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Ontario the Royal Commission of Inquiry
in Relation to
The Conduct of the Public
and the
Metropolitan Toronto Police
Report.



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Ont. Royal Commission

61

R E P O R T

of

THE ROYAL COMMISSION OF INQUIRY

In Relation To

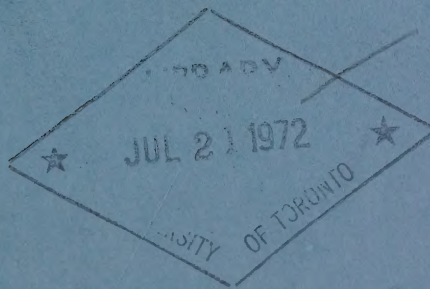
THE CONDUCT OF THE PUBLIC

and the

METROPOLITAN TORONTO POLICE.

by

HIS HONOUR JUDGE I. A. VANNINI



R E P O R T

of

THE ROYAL COMMISSION OF INQUIRY

In Relation To

THE CONDUCT OF THE PUBLIC

and the

METROPOLITAN TORONTO POLICE

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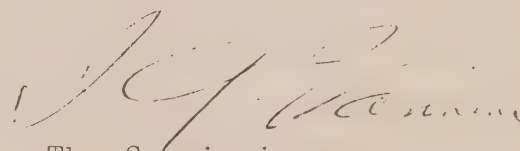
HIS HONOUR JUDGE I. A. VANNINI

To His Honour

The Lieutenant-Governor in Council

May it Please Your Honour,

I, Ilvio Anthony Vannini, Judge of the District Court for the District of Algoma, appointed Commissioner under The Public Inquiries Act by Order in Council dated December 1, 1971, to inquire into the circumstances respecting the conduct of the public and the members of the Metropolitan Toronto Police Force at or in the vicinity of the Ontario Science Centre on the 25th day of October, 1971, respectfully beg to submit the following report thereon.


The Commissioner

June 5, 1972.

SEAL OF THE
PROVINCE OF
ONTARIO

COAT OF ARMS OF
THE PROVINCE OF
ONTARIO

ELIZABETH THE SECOND, by the Grace of God of the United
Kingdom, Canada and Her other Realms
and Territories Queen, Head of the
Commonwealth, Defender of the Faith.

To: His Honour Ilvio Anthony Vannini
Judge of the District Court for
the District of Algoma, of our
Province of Ontario,

G R E E T I N G :

WHEREAS in and by Chapter 379 of The Revised Statutes of
Ontario, 1970, entitled "The Public Inquiries Act", it is
enacted that whenever Our Lieutenant Governor in Council
deems it expedient to cause inquiry to be made concerning
any matter connected with or affecting the good government
of Ontario or the conduct of any part of the public business
thereof or of the administration of justice therein and such
inquiry is not regulated by any special law, he may, by
Commission appoint one or more persons to conduct such
inquiry and may confer the power of summoning any person and
requiring him to give evidence on oath and to produce such
documents and things as the Commissioner or Commissioners
deems requisite for the full investigation of the matters
into which he or they are appointed to examine;

AND WHEREAS Our Lieutenant Governor in Council of Our

Province of Ontario deems it expedient to cause inquiry to be made concerning the matters hereinafter mentioned;

NOW KNOW Ye that We, having and reposing full trust and confidence in you the said Honour Ilvio Anthony Vannini, Judge of the District Court for the District of Algoma, of our Province of Ontario, DO HEREBY APPOINT you to be Our sole Commissioner to inquire into and report upon the circumstances respecting the conduct of the public and the members of the Metropolitan Toronto Police Force at or in the vicinity of the Ontario Science Centre on the twenty-fifth day of October in the year of our Lord one thousand nine hundred and seventy-one;

AND WE DO HEREBY CONFER on you, Our said Commissioner, the power to summon any person and require him to give evidence on oath and to produce such documents and things as you, Our said Commissioner, deem requisite for the full investigation of the matters into which you are appointed to examine;

AND WE DO HEREBY FURTHER ORDER that all Our departments, boards, commissions, agencies and committees shall assist you, Our said Commissioner, to the fullest extent and that, in order to carry out your duties and functions, you shall have the authority to engage such counsel, research and other staff and technical advisers as you deem proper, at the rate of remuneration and reimbursement to be approved by the

Treasury Board of Our Province of Ontario;

TO HAVE, HOLD AND ENJOY the said Office and authority of Commissioner for and during the pleasure of Our Lieutenant Governor in Council for Our Province of Ontario.

IN TESTIMONY WHEREOF We have caused these Our Letters to be made Patent, and the Great Seal of Our Province of Ontario to be hereunto affixed.

WITNESS:

THE HONOURABLE WILLIAM ROSS MACDONALD
A Member of Our Privy Council for Canada,
Upon whom has been conferred Our Canadian Forces Decoration,
a Colonel in Our Canadian Armed Forces Supplementary Reserve
and One of Our Counsel Learned in the Law,
Doctor of Laws,

LIEUTENANT GOVERNOR OF OUR PROVINCE OF ONTARIO

at Our City of Toronto in Our said Province, this first day of December in the year of Our Lord one thousand nine hundred and seventy-one and in the twentieth year of Our Reign.

BY COMMAND

'JOHN YAREMKO'

PROVINCIAL SECRETARY

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INTRODUCTION

After due publication of notice thereof in a number of issues of The Toronto Star and The Globe and Mail, hearings on the Inquiry for the taking of evidence commenced at the Metropolitan Toronto Court House on January 24, 1972, and concluded on March 9, 1972, when the Inquiry was adjourned to April 10, 1972, to receive the submissions of counsel and continued thereafter for this purpose to April 11, 1972.

During the 34 full days of continuous public hearings, including four evening sittings, evidence was received on oath or upon affirmation from 214 witnesses.

Of these, 195 were called by counsel to the Commission; 9 were called at the request of counsel for the Metropolitan Toronto Police Department and 10 at the request of counsel for the Ukrainian Canadian Committee.

All witnesses were required to attend and to give evidence pursuant to summonses previously issued to them by the Commission.

A total of 363 exhibits were received in evidence. These included a blown up aerial photograph of the Ontario Science Centre and the Inn on the Park; photographs of the area and buildings and a surveyor's plan of the outside area immediately in front of the Science Centre, as well as a multitude of photographs of the events in question from the files of the said newspapers and of others taken by freelance

photographers, plus film coverage of parts of the said events taken by the CBC, NBC, United Press International and by Channel 11 (Hamilton).

Only two interested groups asked and were granted leave to be represented at and to participate in the hearings, namely, the Metropolitan Toronto Police Department and the Ukrainian Canadian Committee.

No individual and no other group asked to be represented or to be heard relevant to the subject matter of the Inquiry.

The Metropolitan Toronto Board of Police Commissioners was represented by counsel who was in attendance throughout the hearings for the sole purpose of assisting the Commission of Inquiry and not to participate therein.

Counsel representing the two groups were permitted to examine and cross examine all witnesses called, to participate fully in the hearings, to adduce evidence thereat and to make their submissions touching thereon.

The hearings were conducted with all due and proper decorum and dignity and without the slightest disturbance or trace of rancour to the credit of all involved.

SUBJECT MATTER AND SCOPE OF THE INQUIRY

By the Order in Council I was directed 'to inquire into and report upon the circumstances respecting the conduct of the public and the members of the Metropolitan Toronto Police Force at or in the vicinity of the Ontario Science Centre' on the 25th day of October, 1971.

To this end I directed Commission counsel to cause an investigation to be made, to adduce evidence at the hearings on the Inquiry and to advise me touching upon the following:

- (a) The obligation of the Government of Canada to provide security for the safety of Soviet Premier Alexei Kosygin, of the duty of the Metropolitan Toronto Police Force in respect thereto and of the arrangements made in respect thereof;
- (b) The nature and extent of the rights of the members of the public to demonstrate in protest of the visit of the Soviet Premier, of the preparations made therefor and of the conduct of the public in the exercise thereof;
- (c) The extent to which the police recognized this right and the manner in which they discharged their duty to protect the person of the Soviet Premier, to maintain the peace and prevent the commission of crime.

The investigations on behalf of the Commission and under the direction of its counsel were conducted under the supervision of Chief Superintendent J. L. Erskine,

Special Services Division, and of Chief Inspector W. H. Armstrong, Criminal Investigation Branch, Ontario Provincial Police.

For this purpose the Minister of Justice and Attorney General of Ontario made available to the Commission the brief that had been submitted to him by the Canadian Ukrainian Committee which included 100 affidavits from members of the Ukrainian community, as well as the letters received by the Minister, and the Metropolitan Toronto Board of Commissioners of Police made available the brief that had been prepared for it of the investigations made on behalf of the Board, as well as the letters received by the Board and by the Chief Constable.

In the course of a most thorough and impartial investigation on behalf of the Commission some 600 persons were interviewed. Of the 526 of them who were summonsed 214 were called to testify.

THE PUBLIC STATEMENTS, THE PRESS REPORTS,
THE 100 AFFIDAVITS AND THE EVIDENCE

The Press reported the confrontation between the demonstrating members of the public and the police extensively and prominently.

The Toronto Star headlined its account:

'Police on Horses Charge Crowd 4 Times'.

Some newspaper accounts reproduced direct quotations of statements made by the leaders of several of the groups that were involved in the confrontation which purported to give their personal observations of what had occurred which in effect characterized the conduct of the Mounted Unit as an unnecessary and brutal charge or series of charges against the demonstrators and told of the mounted officers beating everyone in sight.

The Canadian Ukrainian Committee appealed to its members to come forward and give affidavits of their account of the events. Over 100 such affidavits were included in a brief submitted to the Minister of Justice and Attorney General for Ontario by the Committee in support of its allegations that the Mounted Unit charged into, knocked over, trampled on and indiscriminately struck at the demonstrators with their riding crops and that the police brutally treated some of them who were arrested.

Letters and telegrams to the same effect were sent to the Minister.

By the press account, the public statements, the brief, the affidavits, the letters and the telegrams the Metropolitan Toronto Police Department stood publicly charged with a wanton, reckless, brutal and unnecessary charge by its Mounted Unit into and in its manoeuvres among the demonstrators and other members of the Force stood publicly charged with brutal treatment of those who were arrested.

In their testimony before the Commission the reporter who submitted some of the information for the press account in question conceded that part of the account was exaggerated; all of the leaders who gave the statements that appeared in the Press, the majority of those who had made affidavits and several who had sent letters or telegrams maintained that they were misquoted, admitted to some exaggeration or that they had no personal knowledge of or retracted some of the allegations made or did not fully understand or appreciate the language that was used and several were apologetic for some of the statements they made.

The evidence of the 214 witnesses when transcribed comprises 7,818 pages and 38 volumes.

Of the causes leading to the confrontation between the demonstrators and the police and touching upon the conduct of the Mounted Unit and the alleged brutality in the arrests that were made, most of the mass of evidence was conflicting and much of it was exaggerated.

This is probably partially attributable to the unexpected and rapid development of the successive events among and

involving so many in the darkness of the night and the excitement, near hysteria and panic that prevailed over the short period from 7:00 to 7:30 p.m.

What one saw or heard many others did not see or hear because the action was fast and there were so many. Not all people see or hear the same thing at the same time, or at all, or are able to describe it in the same language or with the same degree of precision or accuracy.

The gait of the horses was described variously as a walk, a controlled walk, a quick walk, a fast walk, a prance, a canter, a high step, a semi-trot, a trot, a gallop and a charge.

In many instances the first description given of the gait of the horses was modified or expanded under cross-examination.

Generally, the demonstrators, and some of the Ukrainians in particular, did not see any or tended to minimize the shoving and the resulting pressure on the police lines or did not see any missiles or many missiles thrown at the police.

On the other hand some of the police officers exaggerated the behaviour and the conduct of the demonstrators against them and none of the mounted officers involved and none of the few foot policemen who were anywhere near the horses in the crowd saw any person struck by a horse and fall to the ground or accidentally fall to the ground or being on the ground and, except for those who allegedly interfered or

attempted to interfere with the horses or their riders, the mounted officers all denied deliberately striking anyone with their riding crops or of seeing any of the other mounted officers doing so.

All of the arresting officers and the other officers involved therewith denied any brutality towards the persons they arrested and, while they allege violent resistance on the part of some, the police involved escaped injury while some of the persons arrested received comparatively serious injuries.

Neutral or independent witnesses, that is, citizens who were neither demonstrators or policemen, such as the nearby residents of the apartment buildings and others, the news reporters, the photographers and T.V. cameramen, as well as the movie films and the mass of photographs filed materially helped to resolve the contradictions, the exaggerations and the minimisations, as did my close observation of the manner and demeanour of all of the witnesses, and a careful re-reading and consideration of the evidence from the transcript.

Notwithstanding the many contradictions a picture emerges of the events from the totallity of the mass of evidence.

KOSYGIN - A GUEST OF CANADA

Although the Order in Council makes no reference to it, the conduct of the public and the members of the Metropolitan Toronto Police Force on the day and at the place in question was a consequence of the presence during the evening of that day of Soviet Premier Alexei Kosygin at dinner in the Great Hall of the Ontario Science Centre as a guest of the Canadian Manufacturers Association whom he was invited to address.

The dinner was arranged by the Association at the request of the Prime Minister of Canada to comply with the wish of the Soviet Premier to meet and talk with Canadian industrialists in the course of his visit to Canada on the invitation of the Canadian Government and as a guest of Canada.

The Soviet Premier arrived in Canada at Ottawa on October 17, 1971, for official talks with the Prime Minister of Canada.

As a guest of Canada the Soviet Premier also visited Montreal, Vancouver and Edmonton before his arrival at Toronto during the late evening of October 24 for a visit there and at Pickering and Oshawa as well.

In Toronto he and his official party, which included his daughter, stayed at the Inn on the Park which is located on the north side of Eglinton Avenue East at Leslie Street and to the west of the Ontario Science Centre on the south side of Eglinton Avenue at Don Mills Road.

The Soviet Premier and his party left Canada for Cuba from Toronto International Airport early the morning of October 26, although originally they had planned to leave the night of October 25.

THE RESPONSIBILITY AND THE SECURITY ARRANGEMENTS
FOR KOSYGIN'S SAFETY

Alexei N. Kosygin is the Chairman of the Council of Ministers of the Union of Soviet Socialist Republics.

As such, the Government of Canada was under a high obligation both under international law and by the comity of nations to protect the person of the Soviet Premier as the visiting head of a foreign government by exercising greater vigilance in respect of his security and safety than it does ordinarily with its own citizens and to protect him from any embarrassment by any attempt upon his life and person and to do so wherever he may be in Canada.

This obligation is not discharged by delegating it to any other governmental authority within the federal state nor because the constitutional responsibility for preserving the peace and preventing crimes is primarily within the jurisdiction of the provinces which the Province of Ontario in turn has conferred upon and has charged the municipalities with.

In the discharge of this obligation during the visit of Premier Kosygin to Toronto the Government of Canada was entitled to call upon and to receive the co-operation and assistance of the Royal Canadian Mounted Police Force, the Ontario Provincial Police Force and the Metropolitan Toronto Police Force whose duty under the respective statutes establishing such forces is to preserve the peace and to prevent crime.

To plan, organize, provide and coordinate the necessary

R.C.M.P. Headquarters in Ottawa to all its divisions to treat Kosygin's visits as a high security risk and to ensure maximum security. Metro Toronto Police were in turn advised of this.

Such maximum security involves a total commitment of manpower and resources to establish firm protective measures based on available intelligence and the anticipated public reaction to the visit in any particular area.

In Ottawa, Montreal, Edmonton and Vancouver the size of the demonstrations were in fact as large as the police had earlier estimated they might be in each case from information available to them and all of these demonstrations were large.

Of peaceful demonstrating groups which are politically motivated, Inspector Smith, officer in charge of the V.I.P. Security Section of the R.C.M.P., Ottawa, was of the opinion that there was definitely a certain danger to any V.I.P.

Of this he testified as follows:

'From a V.I.P. security viewpoint, any large group of demonstrators, be they peaceful or otherwise, presents a hazard, particularly during what we would call a high-risk visit such as Mr. Kosygin's in that the crowd, by its very presence provides ready cover for any individual who may wish to take overt action against the visitor, assault him, possibly even shoot at him. Also a peaceful group of demonstrators, through the machinations

of militant demonstrators can readily convert what may have been designed to be a peaceful group into a riotous group, and it is something we are always conscious of when we have a visitor who will be in close proximity to such groups.'

Of such demonstrations Inspector Roy Edwin Soplet, officer then in charge of the Intelligence Bureau of the Metropolitan Toronto Police Force, said:

'I have seen a pattern arise where the demonstration would start out peaceful and with all peaceful intentions but certain agitators, instigators would infiltrate the crowd and bring that crowd up to a frenzy and funnel them into police lines or into some position where an assault could take place.....'

and that to guard against this men are placed on the perimeter of a large demonstration.

Of Kosygin's visit the R.C.M.P. in Ottawa, were of the opinion that Toronto was a high-risk area because of the large number of ethnic groups that live there, many of whom had lived under Soviet rule or who had families who continued to do so and for this reason hold rather strong anti-Soviet views.

It was also their view that the threat of Kosygin's assassination was always present wherever he was to visit in Canada and that this probability might be expected to increase as the end of the visit approached, and more particularly in a large metropolitan area as Toronto.

On October 8, Chief Superintendent Ouimet, who was

the senior R.C.M.P. officer on the Task Force, indicated to Deputy Chief Murray of the Metropolitan Toronto Police Force the very great concern of the Canadian Government that this visit be a peaceful one and stressed that it was a maximum security visit with a high risk situation attendant thereon and he called for the fullest cooperation in providing complete security for the V.I.P.

It was against all of this background information that the Metropolitan Toronto Police Force proceeded with its preparations to assist in providing the maximum security that was required for the visit to their city of Soviet Premier Alexei Kosygin, more particularly during his stay at the Inn on the Park and while at dinner at the Ontario Science Centre.

While the over-all responsibility for the protection of the Soviet Premier during his visit to Toronto remained with the R.C.M.P., the Metropolitan Toronto Police Force readily accepted a large share of that responsibility and, of necessity, made by far the greatest contribution to it in manpower.

At a meeting held on October 19 of the representatives of the various police forces involved with the security of the Soviet Premier, Chief Adamson of the Metropolitan Toronto Police Force indicated that his force would be on hand at the Ontario Science Centre in sufficient numbers to control the size of the demonstration, then estimated at from 20- to 35,000 persons, as well as to control the entire outside perimeter of the Ontario Science Centre.

Because the Task Force had earlier made the decision that Premier Kosygin would travel from the Inn on the Park to the Science Centre by car and enter the building by way of the lower entrance on the west side of Don Mills Road, after which the cavalcade would be held there on the lower level until the Premier and his party were ready to leave, a decision was made at this meeting to confine and hold the demonstrators and the general public on the east side of Don Mills Road away from the front of the Ontario Science Centre.

Because of this it was the consensus of the forces represented at the same meeting that it was essential to protect this motorcade from assault or from danger to ensure the movement of the Soviet Premier back to the hotel. As an alternate exit route, should it become necessary, plans were made by the Task Force to leave from the east staff parking lot at the south end of the building and thence westerly on Overlea Blvd. and through a fence in the rear perimeter of the Science Centre into and through the Parkway to the west of the Centre by means of a roadway that leads to Leslie Street and the Inn on the Park.

To further ensure the safe entry to and exit from the Science Centre in this manner, Chief Adamson made the decision at that meeting to have the Mounted Section of the Force present in front of the Science Centre.

As of October 24, and based upon information received by or which came to the attention of the Intelligence Sections of the R.C.M.P. and the Metropolitan Toronto Police, the officers

in charge of providing the required security for Premier Kosygin to, at and from the Ontario Science Centre had reasonable and probable cause to expect:

- 1) that a total of 20- to 35,000 persons would demonstrate at the Inn on the Park and the Ontario Science Centre;
- 2) that of these, an estimated 8- to 10,000 of the Canadian Jewish Congress and an estimated 9- to 15,000 members of the Ukrainian Canadian Committee would demonstrate peacefully;
- 3) that the Canadians Against the Kosygin Visit to Canada Coordinating Committee, composed of a variety of ethnic groups and including the Edmund Burke Society, the Ontario Freedom Fighters and the Baltic Federation in Canada, estimated at 3- to 5,000 protestors, would possibly throw eggs and tomatoes at Kosygin;
- 4) that the protesting members of the Jewish Defence League would attempt to cross the roadway and try and cause an interruption in Kosygin's entourage;
- 5) that there would be an attempt by members of the Jewish Defence League to gain admittance to the dinner in the Science Centre and cause a disturbance;
- 6) that attempts would be made by unidentified groups to obstruct the way along Eglinton Avenue by abandoning cars on the highway;
- 7) that members of the Edmund Burke Society were proposing to throw roof nails on the roadway; that they would attempt to

drop off two pigs at the front entrance of the Science Centre, throw some fire bombs in the area of the Centre and attempt to get some through the windows of the Science Centre;

- 8) that the Edmund Burke Society would attempt to kill Kosygin while on the Don Mills Road or to assassinate him with a bomb at the Science Centre.

Because of the assault of Kosygin on Parliament Hill on October 17 by a self-acclaimed member from Toronto of the Edmund Burke Society and because of the information received by the Toronto Metro Police of the intentions of that Society to assassinate Kosygin in Toronto, the Toronto police, acting under the authority of a warrant, searched seven homes in Toronto of members of that Society on the morning of October 24 and seized a number of hunting and combat rifles, machine guns and large quantities of shells and ammunition.

On October 25 Metro Police searched the home in Toronto of a man whom they were told had been offered \$50,000 by two unidentified men to assassinate Kosygin and found a Mauser rifle fully loaded and with a bullet in the breech and spare ammunition for it; clips for another rifle; a rifle with a fully loaded clip and another rifle.

While this man denied to the police that he had been so approached he did state to them that he had spent some time in Soviet prison camps and had a hatred for Communism and that given an opportunity he would kill Kosygin.

THE ONTARIO SCIENCE CENTRE

The Science Centre is located on a 55-acre tract of land at the south-west corner of Eglinton Avenue East and Don Mills Road.

It fronts and faces east on the west side of Don Mills Road and extends from Eglinton Avenue southerly to Overlea Boulevard.

The Centre itself is a huge complex consisting of three large buildings -- the Reception Building, which faces east on the west side of Don Mills Road; the Tower Building immediately to the rear thereof, and the Valley Building to the south of it.

The three buildings are connected by long closed passageways or corridors.

The Reception Building fronts on two levels -- the lower or ground level with a main entrance thereto on the front, and the upper level which is reached by a series of open and expansive steps that lead to the main entrance on the front.

Water fountains grace the front of the Reception Building in a boulevard area which toss water high into the air and are illuminated at night.

Entry to this front area is by means of an opening on the west side of Don Mills Road which is opposite St. Dennis Drive on the east side of the road.

Don Mills Road is 66 feet wide with a sidewalk on each side and a median dividing the highway into two lanes of traffic --

one for north-bound and the other for south-bound vehicular traffic.

On the west side it extends southerly from Eglinton Avenue to the first opening in the road, which is opposite St. Dennis Drive. This is the main entrance to the Fountain Area and the Reception Building behind it and to the parking areas to the north and south of the Fountain Area and is 50 feet wide.

From the southerly limit of this entrance the west side of Don Mills Road continues unbroken and parallel to the south parking lot to Overlea Blvd., which is opposite Gateway Boulevard on the east of Don Mills Road.

Overlea Blvd. is the southerly limit of the Science Centre property. It proceeds westerly and then northerly and to the west of the Valley Building where the employees' parking lot is located and is divided in two sections known as the West and the East Employees' Parking Lot.

From Overlea Blvd. at Don Mills Road there is an entrance to the south parking lot.

Immediately to the south of Overlea Blvd. and immediately west of Don Mills Road lies Ernest Thompson Seton Park, which is referred to in the evidence as the Conservation Park.

Immediately to the south of Overlea Blvd. and to the west of Don Mills Road the land is flush with both roadways forming a ridge of varying width for a ravine or large hole deep in the ground with a flat bottom.

It was upon this ridge and in this ravine or hole that the Ukrainian Canadian Committee were led to believe by the police they could meet to demonstrate.

It was also by means of Overlea Blvd. that the Task Force early determined would be used as an exit route for Kosygin and his party if circumstances should make it ill-advisable from a security viewpoint to exit from the main entrance on the lower level of the Reception Building which the Task Force had determined would be the means of entrance and exit to the building for Kosygin and his party.

There is a continuous boulevard, which acts as a retaining wall as well, to the west of the west sidewalk on Don Mills Road all along the front of the Science Centre proper except at the main entrance to the Centre opposite St. Dennis Drive.

The Science Centre property is part of a large ravine. The Fountain Area, the Reception Area and the North and South Parking Lots appear to be on the ridge of it and the Tower Building and the Valley Building to the rear are in the ravine.

An 8-foot Lundy fence joins the northwest corner of the Reception Building in a somewhat semi-circular direction to the northwest corner of the Valley Building.

The area to the west of the north parking lot, to the west and northwest of this fence and to the west of the Valley Building is a vast ravine and park land extending to

Willard Creek and beyond that to an elevated railway and beyond it to Eglinton Avenue at Leslie Street.

Ernest Thompson Seton Park, which lies to the south of Overlea Blvd. and to the West of Don Mills Road, appears to be a part of this ravine.

From the general direction of this park there is a roadway running through the ravine in a northwesterly direction forking off into two roadways before the creek and continuing thusly beyond the railroad where they join to form one roadway to Eglinton Avenue at Leslie Street.

Large, high-rise apartment and office buildings are located on the east side of Don Mills Road directly across the whole width of the Science Centre property and on St. Dennis Drive.

On St. Dennis Drive, which is opposite the street entrance to the Science Centre, there is a large high-rise apartment building located at the northeast corner and known as No. 10 St. Dennis Drive, and one on the southeast corner known as No. 7 St. Dennis Drive.

This was the area and these were the Science Centre buildings that the Metropolitan Toronto Police Force was required to search, secure and make safe to ensure the maximum security necessary for the safety of Premier Kosygin from an anticipated 20- to 35,000 demonstrators of various unfriendly ethnic origins.

THE SECURITY ARRANGEMENTS AT THE ONTARIO SCIENCE CENTRE

Having determined that Kosygin and his party would enter the Science Centre by the main front entrance to the Reception Building on the lower level and that the demonstrators and all other members of the public would be confined to the east side of Don Mills Road along the whole of the front of the Science Centre property, the Metropolitan Toronto Police Force concentrated its manpower on the area in front of the Centre and from Rochefort Drive to a point a short distance south of St. Dennis Drive.

While Chief Adamson was in over-all command of all of the personnel of the Metropolitan Toronto Police Force at both the Inn on the Park and the Ontario Science Centre and was on hand, as was Acting Deputy Chief Genno who was the field commander of them all, Acting Staff Superintendent Telford was the direct officer-in-charge of the personnel at the Science Centre.

Victor Telford was the acting staff superintendent in charge of District #5.

This District extends from the waterfront to Eglinton Avenue and from Spadina Avenue to Victoria Park. Within it are located the Parliament Buildings, the City Hall, the University of Toronto, the Foreign Consulates and the Ontario Science Centre.

Of the hundreds of demonstrations held in Metropolitan Toronto over the past 10 years more than 90% of them took

place within this District.

The demonstration in question was by far the largest of its kind ever held in Toronto and the first experience for its Police Force with a visiting head of a foreign government against whom there was so much political animosity by so many of its citizens.

As Acting Staff Superintendent of the District, Telford was by the Rules, Regulations and Procedures of the Department 'responsible for the efficient and proper performance of all personnel' assigned to the District including the 'detail of duty of all personnel' which comprise the uniform, traffic and detective details as well as the auxilliary police.

Because the District Commander has the over-all responsibility for enforcing the law and maintaining the peace within his area it has been the practice of the Department to leave the field responsibility for any crowd situation or demonstration to him as well.

While admitting that the Emergency Task Force is well trained in crowd control and its commander is quite knowledgeable in this field, Chief Adamson testified that it was not his policy to assign a specialist as commander in charge of demonstrations because, as he explained, 'I feel that is taking the responsibility away from the commanding officer (of the district) and it is something that I do not do.'

Telford has been with the Force for twenty-six years. Of him Chief Adamson said:

'He has worked in 5 District where the majority of these incidents occur. He is quite an experienced officer. He has worked with me personally in several of the divisions and under my command when I was a District Superintendent, and I consider him to be a very competent person and very experienced in this area. He is a person that doesn't get flustered under stress.'

His experience and competency is beyond question. He is also a responsible, dedicated, conscientious and considerate senior officer who added his personal weight and strength to those of his foot men in the lines in an attempt to resist and repel the pressure and surge of the crowd before ordering the Mounted Unit forward to save the situation.

Of the 1,222 Toronto policemen assigned to Kosygin's security at the Inn on the Park and at the Ontario Science Centre, 710 under the direct command of Acting Staff Superintendent Victor Telford were on duty in the general area of the Science Centre and of this number 318 were assigned to crowd control on Don Mills Road.

At 4:30 20 horse-mounted policemen under the command of and including Inspector Johnson formed across the front of the fountains facing east and directly in front of the Science Centre. Five more were stretched across the entrance to each of the parking lots at the far ends of the fountain area.

At 5:00 o'clock 118 uniformed foot policemen under Inspector Lawrence Warren Gaskin took their position in a broken line and at arm's length apart along the east curb on Don Mills Road from a point just south of Rochefort Drive to a point south

of St. Dennis Drive.

Because of the increase in the size of the crowd on the east side of St. Dennis Drive this number was reinforced at 7:00 o'clock by 30 uniformed foot policemen from the detail at the Inn on the Park and the front line then stood shoulder to shoulder facing the crowd from Rochefort Drive to and across the intersection of St. Dennis Drive and for a short distance to the south thereof.

On the median, as well as on the west side of Don Mills Road, and extending from a point just south of Rochefort Drive to St. Dennis Drive a total of 100 uniformed foot policemen were positioned in broken line formation under the command of Inspector Meads.

This number was also increased at 7:00 o'clock by 25 uniformed foot officers from the detail at the Inn on the Park.

Further south, on the median and also along the west side of Don Mills Road and extending from St. Dennis Drive southerly toward Overlea Boulevard, stood a total of 100 uniformed police officers in broken line formation under the command of Inspector C. Surphlis.

By 7:00 o'clock there were 373 uniformed foot policemen assigned exclusively to crowd control on Don Mills Road extending just south of Rochefort Drive to and south of St. Dennis Drive and of these 88 were across the throat of St. Dennis Drive, 2 or 3 deep.

In addition to these, 30 uniformed foot policemen lined both sides of the driveway on the ground level between the Reception Building and the fountains and 12 more were stretched across the entrance to each of the parking lots at the far ends of the fountain area.

All of these foot officers were without side arms but with batons and handcuffs and many wore their rain coats because of the rain earlier in the day.

The Emergency Task Force consisting of 46 uniformed policemen under Inspector Walter Magahay arrived at the Science Centre with Premier Kosygin at 5:45 and after stationing their mobile units containing their riot equipment and parking the other cars in which they travelled, the unit was permitted to relax, but at the semi-alert, in the cafeteria located in the north end and on the ground level of the Reception Building.

This unit was under orders from Acting Staff Superintendent Telford, as officer-in-charge, to remain in this location on stand-by or reserve if needed anywhere during the interval that the Soviet Premier was in the Centre and later to return with him to the Inn on the Park.

The Emergency Task Force is a mobile unit trained for special duties including crowd and riot control.

This night they personally carried their service revolver, baton and handcuffs. Their riot equipment was in their van and their other vehicles.

There were no policemen either in uniform or in

plain clothes at the rear perimeter of the crowd.

Ten or 12 plain clothes officers -- two from the Intelligence Bureau and the others from the Community Services Branch of the Metropolitan Toronto Police Force, were assigned to mingle with the crowd.

Their purpose was to make their presence known to those in the crowd who knew them, such as the members of the Jewish Defence League and of the Edmund Burke Society, so that they may act as a restraint upon them; to assess the mood of the crowd; to be on the alert for trouble-makers and agitators and to convey any information concerning all this to the senior officers in or behind the first police line.

The two from the Intelligence Bureau each had a tape recorder for the purpose of recording the sounds, noises and sayings of the crowd.

All of these plain clothes officers were without side arms or batons and without radio or other means of mechanical communication with any superior officer.

While Acting Staff Superintendent Telford, as officer-in-charge, was in radio communication by means of a Mitre set with some of his inspectors at the scene, including Inspectors Johnson of the Mounted Unit and Magahay of the Emergency Task Force, this proved inadequate and ineffective against the noise from the crowd and recourse was had to verbal or manual means of communication.

There were no walkie-talkies in use by any of the police officers on duty in front of the Science Centre.

The only loud speaking equipment which the police had on hand at the Science Centre consisted of a sound truck and two loud hailers. The truck was stationed somewhere on the Centre property and Chief Adamson and Deputy Chief Genno each had one of the loud hailers.

This equipment was tested by Genno at 6:00 o'clock of that evening and found to be quite inadequate and as a result none of it was subsequently put to any use.

For any arrests that might be made 2 patrol wagons were stationed in front of the fountains and immediately to the south of the street entrance to the Science Centre on Don Mills Road.

To these one photographer from the Criminal Intelligence Bureau was assigned to photograph those who might be arrested with the arresting officer or officers for identification purposes.

Another photographer from the Criminal Intelligence Bureau was assigned to photograph any disturbances that might occur but his equipment eventually broke down or proved inadequate.

Because of the threat of fire bombs two fire wagons were stationed at the entrance to the South Parking Lot by the Reception Building.

And, finally, to assist with the injured 2 ambulances

were on hand in the driveway in front of the fountains just north of the street entrance to the Centre on Don Mills Road and these were attended by two First Aid Attendants from the Metropolitan Toronto Emergency Services.

These were the commanding officers, the number and the deployment of the police personnel and this was the equipment that was on hand to ensure the safety of the Soviet Premier, control the crowd, handle any arrests that might be made, treat any that might be injured and record any of the disturbances that might occur, and otherwise maintain the peace and keep order.

THE MAINTENANCE OF THE PEACE
AND THE RIGHT TO DEMONSTRATE

Subject to the peace being maintained and no criminal offence being committed in the course thereof, it is the right of every person in Canada to assemble in public and to publicly express themselves in the exercise of the fundamental freedoms of speech and of assembly and association which were always existent in Canada and which are now recognized by the Canadian Bill of Rights and to do so by means of utterance and communication and by demonstrations of protest as well.

Subject to this circumscription the members of the Metropolitan Toronto Police Force fully recognized the right of the members of the public to assemble and to publicly express themselves by demonstration in opposition to Soviet Communism and to protest the visit of the Soviet Premier to Canada.

But they did so mindful of their primary duty of specifically providing maximum security for the safety of Premier Kosygin and of otherwise maintaining the peace and preventing the commission of crime.

It remains to consider and determine whether the conduct of the members of the public was within the limits of the freedoms they sought to exercise and was otherwise reasonable and proper and whether the conduct of the members of the Metropolitan Police Force was in the discharge of their duty and within the limits prescribed by law and otherwise reasonable and proper.

THE CANADIAN JEWISH CONGRESS

This is a co-ordinating committee for an undetermined number of Jewish organizations in Metropolitan Toronto, including the B'nai B'rith but excluding the Jewish Defence League.

The Congress maintains a standing committee to expose the cause of Soviet Jewry.

After considering plans for conducting a demonstration either in front of the Science Centre or in Nathan Phillips Square it abandoned both and decided instead to conduct a vigil on Sunday, October 24, and Monday, October 25, in Sarah Grundy Park on the west side of Leslie Street opposite the Inn on the Park and on the Monday evening as well in a fenced off area at the southeast corner of Eglinton Avenue and Don Mills Road.

The plans for a demonstration in front of the Science Centre were abandoned because of the possibility of violence from so many of them -- expected to be as high as 10,000, being congested with so many others, including such militant members of the Edmund Burke Society, in a small area. The vigils were to be directed to the public generally through the news media and to the demonstrators as well for the purpose of drawing attention to the situation of the Jews in Russia.

Some two weeks prior to Kosygin's visit to Toronto the Director of Community Relations for the Congress first telephoned Sergeant Kennedy and then Acting Deputy Chief Genno who informed the Director that he had no objection to them using the field at the southeast corner of Eglinton Avenue and Don

Mills Road if the owners gave permission to do so.

As it turned out the field was owned by the City and while no official permission for its use could be given there was no prohibition against using it.

At one time the Jewish Congress rejected an approach by the Jewish Defence League to join them in front of the Science Centre.

And so the Jewish Congress proceeded with its plans to conduct its vigils in these two locations.

For the Monday night vigil they planned on assembling in the Sarah Grundy Park on Leslie Street and marching from there along Eglinton Avenue to the field at the southeast corner of Don Mills Road.

From information received the Congress Director had reason to believe that members of the Jewish Defence League would make an effort to divert their procession from the field further south to the Science Centre.

The Director conveyed this information to Sergeant Kennedy and as a result the Director received a call from Inspector Soplet of the Intelligence Bureau to whom the Director reported his concern and asked for police assistance to prevent that diversion. To this Soplet replied that he would look after it and see what he could do.

In further preparation for these vigils the Congress recruited some 250 marshalls from among its member organizations to supervise, assist and control the 10,000 or more that

were expected to assemble for these.

At 6:00 p.m. of Monday, October 25, Inspector Earl Snider of the Metropolitan Toronto Police Force was informed by Staff Superintendent Morden, the officer in charge of the detail at the Inn on the Park, of the attempt that might be made to interfere with this assembly and was instructed by him to assist them in their procession from Sarah Grundy Park to the field at the southeast corner of Eglinton Avenue and Don Mills Road.

At 6:50 p.m. Chief Adamson and Acting Deputy Chief Genno leave the front of the Science Centre for the purpose of observing and seeing to the Canadian Jewish Congress group which was then forming up opposite the Inn on the Park.

By this time this group was leaving for its procession along Eglinton Avenue to the field at the corner of Don Mills Road and when they were all there assembled there were 10- to 12,000 of them.

In this they were assisted by 2 sergeants and 14 constables under the command of Inspector Snider and 250 marshalls.

At 7:00 o'clock at the entrance to this field on Don Mills Road just south of Eglinton Avenue Acting Staff Superintendent Telford conferred with Inspector Snider who inquired of him of the size of the assembly there and to express his concern about any of them going south on St. Dennis Drive where there was already a large crowd of other demonstrators which gave the Acting Superintendent some concern.

Members of the Jewish Defence League did attempt unsuccessfully to persuade the first arrivals at the field to join them in front of the Science Centre and being so rejected they left the group to their vigil.

The members of the Canadian Jewish Congress concluded their vigil peacefully and with dignity and without incident and left to return to their homes as orderly and as quietly as they had assembled for their vigil and unaware of the confrontation that had developed between the police and the other demonstrators in front of the Science Centre.

Had the Metropolitan Toronto Police maintained the same liaison with and extended the same co-operation to the leaders of the Canadian Ukrainian Committee as it did with the leaders of the Canadian Jewish Congress and had the leaders of the Canadian Ukrainian Committee been as knowledgeable in such matters and as organized and prepared as the leaders of the Canadian Jewish Congress, the confrontation in front of the Science Centre might not have occurred.

THE UKRAINIAN CANADIAN COMMITTEE

By Letters Patent dated June 28, 1963, and issued under Part II of Chap. 53 of the Revised Statutes of Canada 1952, known as the Companies' Act, one Basil Kushnir and others were constituted a non-profit body corporate without share capital under the name of Ukrainian Canadian Committee

'for the following purposes and objects, namely:-

- (a) to act as an authoritative spokesman for the Ukrainian Canadian community before the people and Government of Canada;
- (b) to strengthen and co-ordinate the participation of Ukrainian Canadians in the Canadian social and cultural life based on Christian and democratic principles, for justice, freedom and independence;
- (c) to safeguard the justifiable aspirations of the Ukrainian people in Europe for independence and sovereignty of its ethnic territories;
- (d) to sponsor and maintain among the member organizations mutual respect and tolerance and to co-ordinate the work in all matters that are of common interest to them;
- (e) to plan and develop among the Ukrainian Canadians sound community life in all its aspects.'

In Metropolitan Toronto this Committee is a co-ordinating body for 32 out of 40 Ukrainian organizations in Metropolitan Toronto which are of a political, professional, business, cultural, charitable and religious nature.

As such the Committee is said to represent 90 to 95 per cent of the Ukrainian population in Metropolitan Toronto, which is estimated at 60- to 70,000. Of these 85 per cent are Canadian born and, although the majority are anti-Russian, they are not

militant and are essentially law-abiding Canadian citizens.

Of his experience over the years with the Ukrainian Canadian community in Metropolitan Toronto Chief Adamson was asked and replied:

'Q. And generally what has your experience been?

A.- Well, I have been impressed by the members of the Ukrainian community. They are hard-working, honest individuals, good citizens in the main. There are, of course, exceptions in any community, but in the main they are fine.

Q. And insofar as their community and community leaders, in the past you have always enjoyed good relationships with them?

A.- That is correct. I like to feel that we still do.'

and further:

'Q. I take it prior to this time.....the Police Department and the Ukrainian Canadian community as such always had a good relationship?

A.- Oh, yes. I still think it has.'

The Committee was firmly resolved to organize and supervise a dignified and peaceful anti-Russian and pro-Ukraine demonstration.

One Rev. Basil Kushnir is the National President and Robert Ihor Maksymec, a civil engineer, is the Toronto President of the Committee.

By resolution the Committee in Toronto resolved to demonstrate at the Science Centre in protest of Kosygin's visit and to do so in a dignified and peaceful manner and with the fullest possible exposure to the general public through the news media covering the visit.

To this end the Committee appointed a sub-committee of three to organize and supervise the demonstration, as follows:

Robert Ihor Maksymec	Chairman
Omilan Tarmesky	Publicity
Dr. Nicholas Kushpeta	Director of Marshalls and Supervisor on the Spot.

On October 18 this Committee met with Sergeant of Detectives Charles Stewart Kennedy of the Intelligence Bureau of the Metropolitan Toronto Police Force on a referral by Acting Deputy Genno, whom they had first telephoned for an appointment, for the purpose of disclosing their decision to demonstrate and to co-ordinate their plans for it with the security arrangements and requirements of the police.

After being informed by Sergeant Kennedy that all demonstrators would be confined to the east side of Don Mills Road along the front of the Centre and that they could not meet to demonstrate in the public park west of Leslie Street in front of the Inn on the Park or anywhere on the Science Centre property or at the southwest corner of Eglinton Avenue East and Don Mills Road and after declining his suggestion that they demonstrate at City Hall, Maksymec then pointed to an area which he said was a conservation area on an aerial map which he had produced for the purpose of their discussion, where Maksymec suggested they might meet to demonstrate.

This area is to the west of Don Mills Road and immediately to the south of Overlea Blvd. which marks the southerly limit of the Science Centre property. It is known as the Ernest Thompson Seton Park.

To this Sergeant Kennedy replied that if he could make the necessary arrangements with the Conservation Authority for the use of it, he had no objections to it being so used by them for the reason that, as he explained in his testimony, 'I

had really no interest in that area at all.'

At this time those in charge of the security arrangements had not yet made any decision in regard to the use by the public of this particular area because as yet they had not finally decided, although they had discussed, upon using Overlea Blvd. as an alternate route.

Following the discussion with relation to this particular area and Sergeant Kennedy's reaction to it, Maksymec then raised the question as to how the demonstrators could get to this agreed area. After some discussion it was agreed that they could assemble in the parking lot on the I.B.M. property on the northwest corner or on the parking lot of the Imperial Oil property on the northeast corner of Eglinton Avenue and Don Mills Road, from either of which they could then move on foot across Eglinton Avenue with the assistance of the police and then proceed to the area in question to assemble for their demonstration.

The Ukrainian Canadian Committee left the meeting with Sergeant Kennedy to make the necessary arrangements with the Conservation Authority for the use of the area in question and for the use of one or other of the parking lots on Eglinton Avenue at Don Mills Road, but with the full understanding that the police had no objection to them meeting in the particular area for their demonstration.

While Sergeant Kennedy expected to hear from them again in respect of these matters he was not subsequently

directly contacted by them.

While Sergeant Kennedy testified that he had reported by telephone all of the discussions that he had with the Ukrainian Canadian Committee immediately thereafter to Acting Deputy Genno, Genno raised no objections to this because the area in question was referred to as a conservation area and Genno did not know which it was.

In fact, when Maksymec informed Acting Deputy Genno on the afternoon of October 25th at about 4:00 o'clock at the Science Centre that he was being denied the use of the area in question after he had been given permission to do so, Genno testified that he did not know through whose authority such permission was given although he then understood which area it was.

Roy Edwin Soplet of the Intelligence Bureau of the Metropolitan Toronto Police did testify that Sergeant Kennedy reported to him the decision taken at that meeting with the Ukrainian Committee on October 18, but that he understood from Kennedy that they were talking about meeting about the area around Willard Creek, which is at the corner of Eglinton and Leslie Street.

On the same day and after leaving the meeting with Sergeant Kennedy on October 18, but before they had been refused permission to use the parking lots at Eglinton and Don Mills Road as an assembly point for the demonstrators, Maksymec wrote to Chief Adamson as follows:

'As discussed with your Deputies today, the Ukrainian Canadian community of Toronto will be holding a demonstration at 6:00 P.M., on Monday, October 25th. Since our group will be crossing Eglinton Avenue at the intersection of Don Mills, we are hereby requesting a permit from you and your assistance so that this demonstration will be carried out in an orderly and peaceful fashion.'

The Chief directed the letter to the attention of the police officer in charge of issuing parade permits who contacted Maksymec's office by telephone and left a message for him in reply that no permit was needed and advised on the request for assistance.

It is not known when this message was left nor what the reply was to the request for assistance.

In any event it was not brought to the attention of Maksymec by the employees in his office.

It was at a meeting on October 19 of the police officers in charge of the security arrangements, which was attended by Acting Deputy Chief Genno and possibly by Sergeant Kennedy as well, when the decision was made not to permit anyone to assemble south of Overlea Blvd., just west of Don Mills Road, because of the decision made at the same meeting to use Overlea Blvd. as an alternate route for Kosygin's exit from the Centre and his return to the Inn on the Park.

While Genno was positive that Kennedy was either at this meeting or somehow otherwise knew of this decision within

a few days thereafter, Kennedy testified that he first learned of it from Genno as Genno gave his evidence about it at the Inquiry.

Genno did not instruct Kennedy to notify Maksymec that they could no longer use the area in question and when asked if there was a duty on Kennedy to do so, even though he had not been so instructed, Genno replied 'Absolutely not!' and, in effect, took the position that the police should not be expected to take the initiative or work with the leaders of any group who might be expected to partake in a political demonstration of this nature.

When asked whether or not he considered it was Kennedy's duty to advise Maksymec of this decision, Chief Adamson testified: 'Yes, I would say it was.' and agreed that it would have been prudent to develop some liaison with the leaders of the Ukrainian Canadian Committee, particularly after its leaders had informed the police that they had planned to turn out to demonstrate in such large numbers.

In the precis on Crowd Control prepared for the information and guidance of the Emergency Task Force the precis advises that 'based on the prediction of certain events' which are accurate, 'a crowd may be controlled.....through manipulation of the situation and by involving the leaders and the mass.'

Of protest groups, the precis cautions that 'they should be contained, not opposed' and that 'the police should work with the leaders and work through the recognized authority structure of the group.'

'This is important', the precis advises, 'because it prevents the leaders from automatically opposing the police.'

In so working with such leaders the precis states that they should be told their rights and what they cannot do.

I hasten to agree with the precis and with the view of Chief Adamson in this regard and strongly urge the police to be guided thereby in the future, particularly with groups who are resolved to participate peacefully in a political demonstration as I find the Ukrainian Canadian Committee and the Canadian Jewish Congress were determined to do.

The breakdown in communications and the misunderstanding between Genno and Kennedy, the failure to notify Maksymac in sufficient time that there could be no meeting in the park in question and Genno's subsequent refusal to co-operate with Maksymac when he confirmed to him on the afternoon of the day of the demonstration that they could not meet in that park to the south of the Science Centre contributed in some way to the crowd discontent and misconduct that subsequently developed.

Not having received a written reply to his letter or the message that was left for him in reply to it and after he had been refused permission to use either of the parking lots at the intersection of Eglinton Avenue and Don Mills Road, Maksymec telephoned Sergeant Kennedy at the Intelligence Bureau on Friday, October 22, and advised an unidentified officer who took the call that they would no longer be crossing Eglinton Avenue, that he had not received a reply to his letter, and

requested the co-operation of the police in assisting his people to meet in the area agreed upon, to which the officer replied that any arrangements already made in this regard would be kept.

With this assurance the Ukrainian Committee proceeded to make the necessary arrangements to meet in the area to the south of the Science Centre property on the west side of Don Mills Road in the park known as Ernest Thompson Seton.

Announcements were made on Ukrainian radio programmes and in the Ukrainian Catholic churches on Sunday, October 24, urging their people to turn out to demonstrate against the Kosygin Visit.

Pamphlets were distributed at the Ukrainian churches in both the Ukrainian and English languages on the same day and to the same effect.

On the back of the Ukrainian pamphlets was a sketch of the general area of the Science Centre and an arrow pinpointing the specific area in question where they were to meet.

Translated, the pamphlet in Ukrainian contained the following exhortations:

'We are calling all participants for the demonstration to march behind the signs of elected Organizational Committee organizers and to assure that our demonstration takes place in an orderly and dignified manner.'

'We are calling upon the Ukrainians in Toronto and Western Ontario to take part in an orderly, well organized demonstration against Premier of U.S.S.R., Alexei KOSYGIN, representative of Russian-Bolshevik Imperialism and Tyranny.'

The pamphlets in English contain the following at the foot thereof:

'The undersigned wishes to express its commitment to carrying out this demonstration in a disciplined and strictly legal manner. Picketers, by police permission, will circulate peacefully in front of the ONTARIO SCIENCE CENTRE.

UKRAINIAN CANADIAN COMMITTEE
191 Lippincott Street,
Toronto. '

While these pamphlets did come to the attention of the Intelligence Bureau of the Metropolitan Toronto Police some time before the time for the demonstration and probably on Sunday, October 24, when they were distributed at the churches, no effort was made by the Toronto Police to inform Maksymec, or anyone else, that they could no longer meet where they were previously given to understand they could meet to demonstrate without any objection from the police.

It was not until 4:00 o'clock on Monday, October 25, when he arrived at Don Mills Road and Overlea Boulevard by the Ernest Thompson Seton Park that Maksymec first learned from the police on duty there that he could not meet in that

park.

So certain was he that he had the approval for this from the senior officers in charge of the security arrangements that he pursued the matter from one superior officer to another and finally insisted upon and did see and speak to Acting Deputy Chief Genno in front of the Science Centre.

Genno informed Maksymec that he could not meet in that park and that if those were the plans that had been made he would have to over-rule them. When he was asked by Maksymec if he would suggest an alternate location where they might meet to demonstrate he refused to do so. Of the reason for this Genno testified:

'.....we do not pick spots for people to demonstrate and I think the answer is pretty obvious that we make ourselves responsible then for the group which of course we cannot do. And of course, in addition, if we were to allocate an area to one specific group, it would obviously be to the exclusion of any other group, and I don't know a better way of starting a confrontation between two groups of demonstrators although they are demonstrating for the same purpose. But being different groups it could start a demonstration within a demonstration.'

This was not so and did not prove to be the case with the Canadian Jewish Congress who were informed by Genno that he had no objection to them using the southeast corner of Eglinton Avenue and Don Mills Road if they could get permission from the owners to do so.

At the meeting on October 18 Maksymec asked Sergeant Kennedy if the Ukrainians could use this property for their demonstration and was told that they could not as it was going to be used by the Canadian Jewish Congress.

Of this confrontation with Genno regarding the use of the park to the south of the Science Centre property Maksymec testified that Genno suggested to them that they meet in the parking lot of the Flemington Park Shopping Centre across the street from this park on the east side of Don Mills Road and that when he told Genno of the problem that would be created by his people going to the park to meet as they were directed to do, Genno replied that it was no concern of his and refused Maksymec police assistance with the gathering in the new location.

With this Maksymec, Kushpeta and several of their marshalls busied themselves with re-directing their people to the new location. Some did go there and the others who did not stood in groups along the east side of Don Millls Road with the majority of them eventually congregating on and in the vicinity of St. Dennis Drive with the other groups of demonstrators.

As an associate member and with the approval of the Ukrainian Canadian Committee, the Ukrainian Student Club of the University of Toronto planned and arranged for the sale at the demonstration of candles to be carried in plastic holders for the purpose of drawing attention to the demonstration in the darkness of the night and to signify the peacefulness and solemnity of their demonstration.

At a cost of \$2,500 the Club purchased 20,000 candles in 20 small carton boxes and 20,000 holders in 100 small carton boxes.

Because the leaders of this Club understood that the

Ukrainian Canadian demonstrators would be circulating in front of the Science Centre after first meeting in the park to the south of Overlea Blvd. and after first obtaining the approval of the police at the scene to do so, he piled and arranged the boxes in a quadrangular formation and counter-like fashion some 5 feet high on the afternoon of the day of the demonstration on the lawn just to the north of the sidewalk on the north side of St. Dennis Drive and some 100 feet east of the east sidewalk on Don Mills Road.

The police examined some of these boxes at random and satisfied themselves of the innocent nature of their contents.

From within the quadrangle so formed 2 or 3 female students sold the candles with their holders to the demonstrators at 25¢ each for both.

By 7:00 o'clock the darkness of the night was illuminated by a mass of these candles which were held forward and high by the demonstrators in vigil fashion and deportment.

Scattered among, mixed with and surrounded as the Ukrainian Canadians were by the many other ethnic demonstrators in the area of St. Dennis Drive, the 10 or 12 Ukrainian priests who were present could not conduct the vigil or lead the group in prayers as they had planned to do in the park; the 30 to 50 marshalls bearing arm bands under the supervision of Kushpeta were scattered along the east side of Don Mills Road and of these only 10 or so were in the area of St. Dennis Drive; they vied with the other ethnic groups for advantageous positions

and in the chanting of their slogans and in the singing of their ethnic national songs; the younger ones marched in groups up and down the east side of Don Mills Road and one group of them sat down on St. Dennis Drive in front of the first line of policemen to sing their songs; their emotions deepened and their excitement heightened as time went by; their own movements increased in momentum or they were caught in the growing momentum of the crowd which those at the northeast corner did not or were unable to resist; the ensuing scuffles at the front resulting from the surge of the crowd against the police line and the frequent flashes of the news cameras excited their curiosity and the arrests angered them and, finally, if they did not originate them, some of the younger ones at least took up the chants - 'The Science Centre is for the People! The Science Centre is for the Public! On to the Science Centre! Let's go!'

Only 3 or 4 of the 10 or so Ukrainian marshalls at St. Dennis Drive attempted to quiet their people and to get them to stop pushing or to move back. The others must have given way to the hysteria which so developed and neglected to perform their duties.

Of the four megaphones that were provided by the Ukrainian Committee only two were operable and their use by 2 of the 3 or 4 dutiful marshalls proved ineffective.

As with the Metropolitan Toronto Police Force this too was a first experience for the Ukrainian Canadian Community of Metropolitan Toronto with a political demonstration of this

nature and size.

Because of this the leaders of this sizeable community lacked experience in organization and were wanting in equipment as well for informing, advising and controlling their members.

While the elderly among them deported themselves as respectful law-abiding citizens, some of the younger ones participated in the emotionalism which they helped engender, albeit innocently, which grew in both momentum and fervour, contributing in turn, in some measure at least, to the surging of the crowd and to the ensuing pressure on the police lines.

When the growing commotion, excitement and ensuing hysteria subsided shortly after the withdrawal of the Mounted Unit from the crowd and the restoration of the police lines, many, if not most of the elderly left for their homes with but a few of them injured, but many with a feeling of humiliation at the use of the horses against them.

THE MEMBERS OF THE PUBLIC --
THEIR PURPOSE, COMPOSITION AND CONDUCT

Excluding those of the Canadian Jewish Congress of which there were 10- to 12,000 who participated in a peaceful vigil type demonstration at the southeast corner of Eglinton Avenue and Don Mills Road, there were an estimated 4- to 5,000 persons at the site of the demonstration stretched along the east side of Don Mills Road from Rochefort Drive to, across and beyond St. Dennis Drive for a short distance to the south thereof.

Of these the greatest concentration -- estimated at 3,000, were in the area of St. Dennis Drive and Don Mills Road and between the apartment building at the northeast corner and the apartment building at the southeast corner and of this number the group from the Canadian Ukrainian Committee comprised by far the largest number.

The others consisted of Latvians, Lithuanians and Estonians, of some 200 each; of an unestimated but small number of Hungarians, Bulgarians and Czechoslovakians, as well as such groups as the Jewish Defence League of which there were some 200, the Edmund Burke Society of which there were 50 to 60, the Jesus Freaks, the Freedom Fighters, the Red Morning and the Young Socialists, both of whom are pro-Communist, and several others.

While the Jewish Defence League of Metropolitan Toronto expose the plight of Soviet Jewry they are militant in

their opposition to Soviet Communism and although the age of their members range from 20 to 40 those who demonstrated under their placards and banners were mostly in their teens.

This group was unsuccessful in its attempts to persuade the older and the peaceful and orderly members of the Canadian Jewish Congress to join the group in active demonstration directly across the street from the Science Centre. In fact, the Congress members would have no part of them in any way.

The Edmund Burke Society, now the Right Guard, are also a militant group strongly and bitterly opposed to Soviet Communism. Of a total membership in Metropolitan Toronto of 200 to 300, the majority are from eastern European countries.

In the format of their publication entitled 'Straight Talk!' they extol 'firm action' against Communism. In its issue for October, 1971, the photograph of Giza Matrai, one of their members, is prominently displayed on the front page above the caption 'Man of the Month' whose '10 seconds' of action in his assault upon Premier Kosygin on Parliament Hill 'shook the world'.

The Latvians, Lithuanians and Estonians of Metropolitan Toronto each have their own association and these in turn are members of the Baltic Federation of Canada.

There is another co-ordinating organization known as the Canadian Freedom Council said to represent some 40 to 42 different ethnic groups from the Baltic and Eastern European countries excluding Russia.

Although these Europeans are politically opposed to Soviet Communism they are not militant and have never been known to take any positive action to express their deep emotional feelings in this regard.

Nor have they ever been known to oppose any pro-Communist group or movement by simultaneous counteracting demonstrations to their demonstrations either in commemoration of some historic Communist event or of protest against some anti-Communist action of which there have been many in Toronto in recent years.

These Europeans have never confronted their Soviet Communist protagonists by any positive action.

The Soviet Premier's visit to Canada and, in particular, his presence in Toronto afforded these Europeans their first opportunity of expressing not only their opposition to Soviet Communism but their condemnation of the Canadian Government's friendship with Communist Russia as well.

In this, these Baltic and Eastern Europeans, other than those who are Edmund Burkers, were as firmly resolved to deport themselves in a manner as peaceful and dignified as their resolute determination to make known to all their opposition to the office of the Soviet Premier and what it represents to them.

And so they assembled in ever growing numbers -- the Ukrainians more than all the others combined because they comprise by far the majority of them, not only from Metropolitan Toronto but from Hamilton, London and Oshawa, as well.

Because the time of Kosygin's expected arrival at the Science Centre coincided with the supper hour of most and it had rained earlier that day, the turn-out of demonstrators fell far short of the expected and built up substantially over a relatively short period of time from 6:00 to 7:00 o'clock.

At 5:45, when the Soviet Premier and his motorcade arrived in the daylight on the west side of Don Mills Road in front of and on his way to the Science Centre, there was a long but shallow line of demonstrators with a scattering of banners and placards on the east curb and boulevard of Don Mills Road which stretched from just south of Rochefort Drive to, across and just south of St. Dennis Drive with the greatest concentration at the corners and across the throat of St. Dennis Drive where they were then three or four deep.

At that time and just a few feet in front of this crowd and standing on St. Dennis Drive, as well as on the median in and on the boulevard on the west side thereof, stood a long, single broken line of policemen most of whom were standing at ease but on the alert.

In addition, in the square of the intersection proper formed by the cross-walks stood a scattering of foot policemen and along the westerly of the two north-bound lanes of traffic on Don Mills Road, stretching from the extension westerly of the southerly limit of St. Dennis Drive to just south of Rochefort Drive, stood the Mounted Unit facing the crowd in broken line formation -- 20 of them in all, including Inspector Johnson who

sat sternly on his mount directly in front of the crowd in St. Dennis Drive.

Kosygin and his party drove by and entered the Centre without the slightest incident and having done so the Mounted Unit withdrew to the original position in front of the fountains and the crowd was permitted by the police to remain on and to block off St. Dennis Drive to vehicular traffic.

Shortly after this the crowd at the intersection grew gradually but substantially in numbers as those from the north end near Rochefort Drive moved closer to and on to St. Dennis Drive and as those who arrived later were drawn there as the obvious centre of and as the vantage point for the demonstration.

As the crowd grew in this manner and in this location the broken, single police line from and including the corners and across the throat of St. Dennis Drive closed ranks and stood shoulder to shoulder to be reinforced shortly after by a second broken police line standing behind it.

By 7:00 p.m. the crowd was 25 to 30 or more deep, both across the throat of St. Dennis Drive and on the northeast corner thereof where it extended over the sidewalk and onto the lawn at the front and side of the apartment building thereat but not so much so at the southeast corner where the apartment building located there was much closer to the sidewalks on either side of it.

The pedestrian cross-walk on St. Dennis Drive at Don

Mills Road is slightly east of the east curb of St. Dennis Drive. Up until 7:00 o'clock the first of these two police lines stood along the westerly limit of this walk and the front line of the crowd stood in the middle of the walk thereby permitting passage by marching groups of demonstrators and others between the first police line and the front of the crowd.

Such was the position of the police lines and of the crowd across St. Dennis Drive from curb to curb where they then curved to the west and north on one side and to the west and south on the other around the curved curb at each end.

Up until 7:00 o'clock there was not the slightest incident or occurrence of any concern to the police and up until then the mood and conduct of the crowd was such that all foot police in front of the Science Centre stood at ease and were perfectly relaxed, so much so that some of the front line policemen talked, joked and laughed with some in the front lines of the demonstrators facing them.

The last photograph taken shortly before 7:00 p.m. and some 15 minutes before the approach of the Mounted Unit to the crowd on St. Dennis Drive shows a group of teen-agers with their placards sitting on St. Dennis Drive happy and relaxed in front of an equally relaxed and loose group of foot policemen in double line formation, including Inspector Gaskin who is shown engaged in conversation with one of his sergeants who has his hands clasped in front of him, and with a smiling priest, a relaxed father with his two children and others walking by

between the front line of police and the front line of the demonstrators.

Among this crowd at that time were priests, lawyers, professors, architects, managers, teachers, librarians, bankers, merchants, clerks, civil servants, municipal employees, high school and university students and others from other walks of life; the young and the elderly and parents with their young children.

Most of them were dressed in their Sunday best and many of the young in the Native National costumes of the original homeland of their parents.

Each ethnic group had its placards and banners of varying sizes and bearing equally varying slogans of condemnation and of exhortation. Each ethnic group sang the National Song of their original homeland and chanted the slogans peculiar to it. Some of them also sang the Canadian National Anthem and one displayed a large Canadian flag.

Except for those from the Jewish Defence League and the Edmund Burke Society, all were in a jovial, happy and friendly mood engaging freely in conversation, exchanging pleasantries with those about them and renewing acquaintances.

Most of the older and some of the young demonstrators who were gathered in the area of St. Dennis Drive at Don

Mills Road held lighted candles in plastic containers to shield the flame from the wind. They did so for the sole purpose of making their presence known in the dark, to add some solemnity to the occasion and as an act of vigil as well.

While the elderly and the parents stood in their place with their candles held high and with their younger children by their side or on the shoulders of their father, the younger ones with their banners and placards paraded in their respective groups or joined others, up and down the east side of Don Mills Road from Rochefort Drive to and across the throat of St. Dennis Drive singing their songs and uttering their chants and did so in the space separating the front line of police from the front of the crowd.

These demonstrators were joined by many of the children from the apartment buildings nearby who frolicked through the crowd, climbing on the apartment-for-rent sign erected on the northeast lawn for a better view, carried or played with some of the placards and setting several on fire, lighting a fire to some of the papers and setting off the occasional firecracker, all of which contributed to the growing excitement and noise of the crowd.

Of the some 3,000 or more people who were on the east side of Don Mills Road at the mouth of St. Dennis Drive

when he left the front of the Science Centre at 6:50 p.m. with Acting Deputy Chief Genno to see to those from the Canadian Jewish Congress who were assembling in the park on the west side of Leslie Street opposite the Inn on the Park, Metro Chief of Police Adamson testified:

'There was a great deal of yelling ----- about the most marked pronouncement that I could hear was "Kosygin go home!" and they were singing, what I understood at that time was the Ukrainian National Anthem and various ethnic songs, a great deal of placard waving and shouting, but most certainly nothing militant at all. I was quite satisfied with the conduct of the crowd there.'

The Chief also confirmed that at that time the crowd was under control and was contained by the police lines and this notwithstanding the few candles and plastic candleholders that were being thrown without 'any effect on the police' because 'they were just being thrown over the crowd,' as he testified, and falling on Don Mills Road.

With the size of the crowd as large as it was, with the singing and the chanting that was going on and with the few candles and plastic holders that were being thrown, there was, as the Chief testified, 'no obvious problem to concern himself about' when he left from the front of the Science Centre with his Acting Deputy for the Inn on the Park to observe the situation there involving the Canadian Jewish Congress.

At 7:00 o'clock, when Chief Adamson and Deputy Chief Genno were at the Inn on the Park, Acting Staff Superintendent Telford, the officer in charge in front of the Science Centre, was conferring with Inspector Snider on Don Mills Road near

Eglinton Avenue about the estimated number from the Canadian Jewish Congress, who were then entering the field at the south-east corner thereof to conduct their vigil, because of his concern about any of them going south to St. Dennis Drive.

By 7:00 o'clock, or shortly after, the situation at St. Dennis Drive began to change and rapidly deteriorate within the next 15 to 20 minutes when Telford returned.

The crowd at the curve of the curb at the northeast corner of Don Mills Road and St. Dennis Drive began to sway and move forward against the first police line -- slowly and gently and to the humour and laughter of some of those involved in the front of the crowd, but to the obvious and justified concern to the front line of policemen who first locked arms in an attempt to resist the pressure on them and then by attempting to push the crowd back with the utmost strength of their bodies -- by their bodies and hands against the bodies of those in the front line of the crowd who, in turn, strenuously attempted to resist the push on them by those behind.

The crowd at this corner swayed or undulated forward and backward twice in each direction as though by chain reaction.

With this mass of bodies seemingly beyond control, the smiles and laughs of those in the front of the crowd were quickly replaced by expressions of concern for their own safety and the original concern of the police, both for the safety of the crowd and of the Soviet Premier, became more intense as police pushed on police -- now two and three deep,

against the pressure on them from the crowd.

As the crowd in turn attempted to resist the push on them from behind by others in the crowd and from the front by the police and tried frantically to extricate themselves from the crush that surrounded them, hands went up in the air and placards overhead swayed beyond control in the jostling, surging and pushing momentum of the crowd accidentally hitting several of the police with them and some of the police becoming intermingled with the crowd.

In the scuffle that ensued between police and demonstrators the hats fell off three policemen, including that of Acting Superintendent Telford who lent his weight and force to the police lines.

Several in the front of the crowd fell or appeared to be about to fall to the ground and were assisted by the police. One or two others were pushed or were catapulted through the broken police lines, retrieved by the police and permitted to rejoin the crowd elsewhere.

During all this the photographers and T.V. crews that were in the intersection or elsewhere to the rear of the police lines that faced the crowd moved in close to photograph the events with the aid of their flash bulbs and lights which added to the turmoil and the confusion.

As the police lines at the curve of the curb at the northeast corner bulged out far into the easterly of the two north-bound lanes of traffic on Don Mills Road and as some of

those within or near the bulge began to scuffle with the police, 4 or 5 arrests were made from within the crowd, one of whom was Zenon Kulchyskyj, who was lifted bodily out of the crowd and carried over their heads and over the police lines across Don Mills Road to the patrol wagon.

Some protested the arrests and others in the back of the crowd, observing the arrests being made and the scuffle that was taking place in the light of the flash bulbs and lighting of the photographers and T.V. crews and excited by these events, began throwing their lighted candles and plastic containers and other objects, including half a brick, a small stone and clumps of mud toward the police lines at the front of the crowd.

In making these arrests in the turmoil, tension and anxiety of the situation, the police may well have misinterpreted the actions and intentions of the persons arrested and the demonstrators who so remonstrated with the police for their actions acted in a manner unbecoming otherwise law-abiding citizens.

The pushing appears to have been deliberately initiated by a small number of unidentified youthful demonstrators who positioned themselves at or near the back of the crowd for the sole purpose of breaking the police lines by this means.

By shouting 'The Science Centre is for the People!, The Science Centre is for the Public! On to the Science Centre! Let's go;' they sought first to excite and agitate the crowd and

then commenced pushing the crowd toward the police line. Like a chain reaction this pushing involuntarily involved the otherwise peaceful demonstrators, who were already compacted in the area of the pressure, in a swaying movement forward and backward.

This movement quickly reached a momentum beyond the control of those within and more particularly of those at or near the front of the crowd and eventually beyond the restraining physical capabilities of the foot policemen.

Had those persons who were primarily responsible for the security arrangements outside the Science Centre placed an adequate number of uniformed foot policemen on the perimeter of the crowd of demonstrators such agitation and deliberate pressure might not have been contemplated and, if attempted, might well have been forestalled by appropriate police action less inherently dangerous than that inherent in the use of the Mounted Unit.

Further, had the 10 or 12 plain clothes police officers who were mingling with the demonstrators to assess their mood, spot the agitators and uncover any militant plan or to learn of any on-the-spot proposed aggressive action been equipped with instant mechanical communication with the appropriate commanding senior police officer and had otherwise performed their duties in this regard diligently, the agitators might very well have been deterred and their plan otherwise squelched by appropriate police action short of the use of the Mounted Unit.

As it was, the one or two of them who became aware of

these agitators and of their proposed plan of action extricated themselves out of the crowd out of fear for their own safety and succeeded in communicating their information to their superiors too late for them to take any appropriate counter police action short of the use of the Mounted Unit or of the E.T.F.

In fact, when the Mounted Unit went into the crowd there was not a single one out of the 10 or 12 of these plain clothes police officers among the demonstrators.

The manner and extent of the use of the Mounted Unit is another matter.

CROWD CONTROL PROCEDURES AND EQUIPMENT

The Procedures in respect of crowd control which were adopted by the Metropolitan Toronto Board of Commissioners of Police on June 9, 1966, relates to orderly and disorderly crowds and to riots.

Of orderly crowds, the Procedure describes, among other things, that if the crowd is over ten deep, a second row of police officers should be inserted inside the group to prevent crushing.

Acting Deputy Chief Genno testified that this requirement is applicable to such crowds as assemble for the Santa Claus Parade or in front of the City Hall for peaceful purposes and that under no circumstances would uniformed police be positioned inside a hostile crowd or one that might be expected to become hostile.

Of riots, the Procedure provides, in part, as follows:

'In the event that the disorderly crowd has reached the proportion of a near-riot, the Officer-in-Charge shall:

- (1)(a) Summon all available police personnel, including mounted personnel, policewomen, wagons, sound trucks, C.I.B. photographers. (Use personnel emergency call-back system.)

- (c) Maintain radio communications.

- (d) While awaiting arrival of additional personnel, utilize all police on the scene to the best advantage, in order to contain the disturbance and prevent violence.

- (e) Direct operations by use of loud-speakers, preferably from a high vantage point; constantly talk to the crowd in an effort to quiet them. Make firm declarations against violence.
 - (f) Instruct personnel to remove or control any article that could be used as a weapon by the crowd.
- (2)(a) When additional personnel have arrived, see that they are gathered out of sight of the crowd and are thoroughly briefed as to their procedure regarding the amount of force to be used. Riot sticks and tear gas are to be used only as a last resort. They are to be reminded that they must be able to identify each prisoner they arrest. Plainclothesmen should wear their badges on outside of clothing.
- (b) Block off area to prevent vehicular traffic and sight-seers.
 - (c) Direct C.I.B. photographers to take photographs of disturbance and subsequent police action from the best location possible.
 - (d) Ensure that a photographer be placed beside each patrol wagon to photograph each prisoner with the arresting officer RE identification.
 - (e) March the additional personnel to the scene in a show of strength, utilizing the mounted unit to full advantage.
 - (f) Direct personnel to disperse crowd into smaller groups if possible, arrest or remove the ringleaders.
 - (g) Maintain constant pressure on the crowd, both vocally and physically, until order is restored.'

In the precis for the Emergency Task Force prepared by Sergeant William Kerr, who has been a member thereof since its formation in 1967, he explains the reasons for the establishment of the Force by adopting the reasons for their creation in the United States, as follows:

'The advent of mass racial riots in the United States and the wide spread civil disobedience throughout the rest of the world, has shown serious limitations within the various police forces to cope with them. Joint studies by police force supervisors has gained unanimous agreement that (a) the police were not properly equipped (b) the personnel were not properly trained, so began the birth of the Task Force units within the various police departments.'

Of the objective and purposes of crowd control the Preci states:

'The Police should assist the crowd to obtain its objective legally, rather than restrain it.

THE PURPOSE OF CROWD CONTROL IS TO:-

1. To prevent any breach of the peace.
2. To safeguard life and property.
3. To control traffic and to facilitate the normal flow of trade and commerce.

QUESTIONS:

1. Is the crowd in question one which you want to contain and control or is it one which you want to disperse?
2. What is the cultural and educational level of the crowd? (i.e. - Professional People or Labourers)'

The Preci lists political demonstrations as one of four of the most prominent type of crowds which 'are either planned or spontaneous in origin' and 'are characterized by being potentially aggressive, violent and destructive.'

Of crowd psychology the Preci states that 'A crowd must gather, grow, tire, then disperse' and that 'Space has a decided effect on crowd behaviour.'

Of the ways of controlling crowds the Preci states:

- 'Crowds may be controlled by two fundamental methods:
1. Based on the prediction of certain events. If the prediction is accurate, control can be exercised

through manipulation of the situation and by influencing the leaders and the mass.

2. Based on the fact that the crowd is already in existence.

The method used depends to a great extent on who does the controlling.'

After reminding the members of the Unit of the duty of a policeman and how they should deport themselves, the Precis proceeds to consider the use of force in crowd control, as follows:

'The problem is, of course, the fact that there are times when force must be used. Some crowds do become violent mobs for reasons that are out of the control of the Police, and in these situations the Policeman's responsibility for the preservation of order and the safety of the public requires that he use force. Therefore, he must be prepared to use force whenever necessary.'

Of the use of 'Moral Force' as distinct from 'Actual Force' the Precis explains:

'Moral Force is in essence persuasion. This should be used as the primary tactic and in the advent of failure followed by the use of actual force.

Persuasion is a device for keeping a crowd under control rather than restraining a mob which is out of control. This emphasizes the capacities of the crowd for controlling itself. Protest groups should be contained, not opposed. The police should meet with the leaders and work through the recognised authority structure of the group. This is important because it prevents the leaders from automatically opposing the Police.

1. Tell them their rights.
2. Tell them what they cannot do.'

The following are some of the guides laid down in the Precis for crowd control:

- '1. Screen and select the officers and men for the detail.
2. Be firm but friendly and courteous.
3. Be impartial.

4. Don't let crowd hysteria affect you.
5. Have reserves arrive in drill formation. This gives the appearance of strength and competence.
6. Face the crowd.
7. Crowds like to remain anonymous. Recognize individuals. Speak to them.
8. Request assistance from specific people in the crowd. Point them out.
9. Eliminate the cause, (if possible).
10. Keep crowd informed. Give them something to do.
11. Women and children in front.
12. Reserve extra space to eventually alleviate crush.
13. Mix plainclothesmen in with crowd.
14. Isolate a riot prone faction. Guard or remove potential weapons.
15. Utilize civic groups to assist in control. Boy Scouts, Veteran Groups.

19. Have extra men as a hidden reserve.'

Among the equipment for use in crowd control the Precis recommends sound trucks, loud hailers, walkie-talkies for communications, as well as photographers and movie cameras.

Of the preparation for the control of a crowd of which notice is received in advance the Precis states:

'There is no substitute for experience, and veteran police officers recognize this fact. The personal experience of an individual police officer, augmented by the experience of his fellow officers, should provide the correct solution to any problem that may arise. To be Forewarned is to be Forearmed. When a police officer receives notification of an impending event that will involve a crowd, he must, through research, acquaint himself with all available data. He can then anticipate what is going to happen far in advance of the event. Through planning and organization, a Police Officer should be able to live through the proposed event before it happens.'

As a leading example of the value of making extensive preparations in advance of any given event involving large numbers of people the Precis lists the conferences held, the study and preparations made and the training received by the Toronto Police for the Shriners' Convention which was held in July, 1962.

This was indeed a masterpiece in preparation and organization under the leadership of the then Chief who assumed the position of Control Officer of the entire operation and who incorporated the final plan of organization into a departmental order which included specific directives regarding dress, deportment, reminders of Departmental Regulations and the need for extra effort and control of every policeman concerned to successfully meet the needs of the convention.

The Precis then concludes as follows:

'Much of the same preparation is needed to enable the Police to cope with any type of function held in the city. Each particular event requires its own modifications and elaborations. Take for example, an occasion where a member of Royalty is visiting the City, or for that matter the Head of State of another country.

Included in this precis is a separate Training Precis for the Emergency Task Force on Crowd Control, dated July, 1971.

After detailing and describing the various formations and the use to which they should be put with respect to various crowd situations, the Precis concludes:

'Finally, Your Attitude:

1. Act as a Unit, not as individuals.
2. Clothing and appearance of crowd members are not your business, so do not comment on it.
3. Accept insults, which do not hurt anyway.
4. Keep your temper.
5. Be firm.
6. Do not chase individuals.
7. Remove ring-leaders if possible.
8. Allow the crowd an avenue of escape.'

In manpower Chief Adamson had already committed one-third of his entire force to ensure the safety of the Soviet Premier at

the Inn on the Park and the Science Centre.

This was the maximum that he could commit for this purpose and at the same time provide adequate police protection with the remainder to the citizens of the Metropolitan area.

Except for the following:

- (a) those who were on security detail at the Inn on the Park;
- (b) the 30-man Mounted Unit in front of and at the far ends of the fountains at the Science Centre;
- (c) the 54 foot men in the driveway on the lower level in front of the Reception Building and across the entrances to the 2 parking lots of the Science Centre;
- (d) the 46-member E.T.F. who were in the cafeteria in the Reception Building; and,
- (e) those who were on traffic patrol in the vicinity and elsewhere throughout the City,

there were no reserves of manpower available to Acting Superintendent Telford to reinforce the other police who were faced with a deteriorating situation at the mouth of St. Dennis Drive.

As the crowd built up Telford asked for and was given 55 foot-policemen from the security detail at the Inn on the Park. These arrived in two buses in front of and in full view of the crowd and were assigned to bolster the police line on St. Dennis Drive and on the median of Don Mills Road.

When the pressure later developed in the front line of policemen and it began to appear that it might not be able to restrain the crowd a Patrol Sergeant radioed the central des-

patcher and received additional assistance from an unknown but small number of police who were on traffic patrol in the vicinity and from two stations nearby.

These also arrived -- some in their white helmets and on their motorcycles and the others in a police van, in full view of the crowd and immediately went into action to assist the struggling, scuffling, hard-pressed foot men in the lines.

When the bulge developed and it appeared that the foot police were losing ground and would not be able to contain the crowd, Acting Superintendent Telford was left with the Mounted Unit on duty in front of the fountains, the 46 foot men on duty on the lower level outside the front entrance of the Reception Building and the 47-man unit of the E.T.F. who were on standby in the cafeteria in the Reception Building.

The Acting Superintendent, as officer-in-charge, made the decision to order the Mounted Unit into the crowd and to leave the Emergency Task Force in reserve to protect the Science Centre from entry by the demonstrators should they succeed in breaking through the police lines and rush the Centre.

Inspector Johnson and seven of his unit came forward at a quick gait. As each approached the police line he stopped, but only momentarily and long enough for the last of them to arrive, form two lines of twos and enter the crowd on the manual signal from their inspector.

In breach of the rules prescribed in the Procedures in that regard, these eight members of the Mounted Unit were not

utilized to full advantage as a show of strength by forming them immediately behind the police lines across the mouth of St. Dennis Drive and leaving them there long enough to convey to the crowd by their presence that they would be used if the crowd did not desist from their actions.

There is a difference of opinion among the senior echelon of the Metropolitan Toronto Police Force as to whether or not the Mounted Unit, the Emergency Task Force or any other additional personnel should first be marched to the scene in a show of strength in all cases before sending them into action which may result in injuries or mass arrests.

Chief Adamson, who drafted the Procedure on Crowd Control from his vast experience in this field prior to his appointment to his present position, took the position that the Procedure was a good guide only, that the officer-in-charge was not bound to follow it strictly and that he was permitted to exercise his own discretion, initiative and judgment in this regard having regard to the circumstances of the particular situation.

With respect to the Mounted Unit he felt that using it as a show of strength was a form of intimidation which might antagonize a crowd and that, in any event, having them at a distance but in view is of itself a show of strength.

Of the use of any personnel as a show of strength in controlling a crowd the Precis of the Emergency Task Force on Crowd Control states:

'Force is a two-edged sword. It often elicits what it is designed to prevent. A "Show of Force" is sometimes no more than a threat. Once this tactic is resorted to, it defines the conditions of control. In Police relationship to the crowd, it:

- (a) Places the policeman in the position of an antagonist.
- (b) Makes the situation a test of strength.

Thus in a large measure it precludes persuasion. It detaches the crowd from the cultural obligations of self-control and obedience to the law, and policing authority has deprived itself of the most powerful device for the maintenance of law and order. The relationship between the Police and the public then becomes unstable. Any action can trigger an unruly and disorderly condition. A "Show of Force" becomes one of the most difficult tactics to utilize effectively. It demands great maturity, stability, and excellent judgement by the men in charge; as well as close supervision and iron discipline over the men on the detail.'

The Procedure on Crowd Control in the Rules, Regulations and Procedures of the Department provides that the officer-in-charge 'shall' march the additional personnel in a show of strength.

This does not appear to allow of any discretion in the matter.

Further, Rule IV(6) of these Rules and Regulations provides:

'No policy or routine order shall be issued which will conflict with or change the provisions of the Rules, Regulations and Procedures.

The Chief of Police may issue department orders clarifying any rule or regulation as approved by the Board or others necessary for the carrying out of his duties. Officers of, and above the rank of Inspector may issue directives within their jurisdictions which are local in character and application.'

If a departmental order was issued by the Chief clarifying this apparently obligatory requirement of the

Procedure on Crowd Control so as to give the officer-in-charge a discretion in this regard, it was not produced and the Chief did not testify that he had ever issued such an order.

Although no evidence was given of who issued the order or made the decision to do so, the Mounted Unit was used as a show of strength both shortly before and at the time of the arrival at and departure from the Science Centre of Premier Kosygin.

When questioned about this before the Commission Chief Adamson not only was not aware of this having been done but felt that this was useless as an additional security measure in the circumstances because if the crowd had broken through the police lines the Mounted Unit could not have prevented them from rushing across Don Mills Road to the Science Centre.

The radio communications between Acting Superintendent Telford and the Inspectors under his command were so inadequate as to make communication by such means between him and them impossible with the result that Telford was compelled to give his command to Inspector Johnson to come forward and to go into the crowd by the motion of his hand and was unable to give him any further commands or directions after the Mounted Unit had entered the crowd and Inspector Magahay of the E.T.F. was compelled to run to the front entrance of the Reception Building on the ground level to make certain that the command to his unit just given by him over the radio had gotten through to it and thereafter he was not in communication by such means

with Acting Superintendent Telford as Officer-in-Charge or with Inspector Johnson whom he went forward to assist.

The sound truck which was stationed on the Science Centre property at some considerable distance from the mouth or intersection of St. Dennis Drive was known, as were the two loud hailers, to be inadequate for their purpose and were not used for this reason.

Hence Telford, as Officer-in-Charge, was unable to communicate with the crowd in an effort to quiet them by making firm declarations against violence and threatening them with the use of the horses if they did not desist and once he had ordered them into the crowd he was unable to direct their operations or to order their withdrawal.

While it is conceded that the use of police officers mounted on horses is effective in the control of disorderly crowds, they should only be used as a last resort when efforts to quiet the crowd, persuasion and warnings have gone unheeded and the efforts of the foot policemen have failed.

While only one C.I.B. photographer was assigned to take photographs of the disturbance and the subsequent police action and did take some good pictures his equipment soon proved ineffective in the dark, or broke down.

For these purposes the motion picture camera is a most important piece of equipment in crowd control. While the Metropolitan Toronto Police Force have them and have made use of them in demonstrations they are only operable in daylight and for

this reason were not on hand at this demonstration.

So too are tape recorders for recording the mood and temper of the crowd and the persuasions and warnings of the police.

There were two C.I.B. officers moving among the demonstrators in the area of St. Dennis Drive recording their songs, their chants and other audible expressions, but these they erased the next day after first listening to them and concluding that they were of no evidentiary value.

From the lessons learned and the experience gained in this particular demonstration the Metropolitan Toronto Police Force is already in the process of obtaining the best available sound and radio communications equipment, loud speakers, still and movie picture cameras and sound recording equipment.

Notwithstanding this the fact remains that in all this the members of the Metropolitan Toronto Police Force were totally wanting at the demonstration in front of the Science Centre.

THE MOUNTED UNIT
THE MANNER AND EXTENT OF ITS USE

The Mounted Unit of the Metropolitan Toronto Police Force was originally formed in 1896.

While it may have been used most of the time since then primarily for ceremonial purposes, parades and patrols it has recently been more frequently used in crowd control.

Except as they may apply to the members of the Unit as members of the police force, neither the Police Act and the Regulations passed thereunder nor the Rules, Regulations and Procedures of the Metropolitan Toronto Police Force regulate the unit or prescribe the situations in which they may be used or the procedure to be followed in their use.

The only reference in the latter to the Mounted Unit is contained in that part thereof relating to Procedures on Crowd Control of a disorderly crowd that has reached the proportion of a near-riot, as follows:

- '1)(a) Summon all available police personnel, including mounted personnel, policewomen, wagons and sound trucks, C.I.B. photographers. (Use personnel emergency call-back system.)

- 2)(e) March the additional personnel to the scene in a show of strength, utilizing the mounted unit to full advantage.

- (f) Direct personnel to disperse crowd into smaller groups and if possible, arrest or remove the ringleaders.'

In the organizational Chart approved by the Metropolitan Toronto Board of Commissioners of Police on August 3, 1970, the Mounted Unit is shown as a Special Unit, as is the Emergency Task Force, of the Field Support Services, which are under the Command of the Deputy Chief of Police of Field Operations.

On October 25, 1971, Harold Genno was Acting Deputy Chief of Field Operations; H. Magahey was Staff Superintendent in charge of Field Support Services; Walter Magahay was in charge of the Emergency Task Force and Inspector E.S. Johnson was in charge of the Mounted Unit.

In reporting to Staff Superintendent Magahey of Field Support Services on December 7, 1971, on the training of both personnel and horses with regard to riot and crowd control duties, Inspector Johnson stated, in part, as follows:

' In handling all types of crowds, the Mounted man is taught to use his mount as a device or tool to manipulate the crowd and to operate with strict regard to the safety of the public under normal circumstances. He must not use his riding whip unless it becomes necessary to protect his horse and himself from possible injury or to prevent interference with the "care and control" of his mount. He is instructed to remain calm and even tempered at all times and to relay this to his horse. He understands that at all times he will be subjected to verbal and physical abuse and will be provoked to his limit. Through instruction and experience, he learns crowd psychology and responds according to the type of crowd situation he is dealing

with. He knows that most citizens in a crowd respect and respond well to the use of horses and that physical contact is seldom necessary. However, in a "major disturbance" he must respond quickly and forcefully, using his horse to divide or disperse and finally control the situation in hand.

The following are some basic procedures in crowd control duties:

1. Personnel must face their horses to the crowd using their higher vantage point to watch both the front and rear of a crowd.
2. When involved in a disturbance, they must operate in half-sections (pairs), one supporting the other.
3. When advancing on a crowd, horses must be walked, unless otherwise directed. Working with the crowd, personnel must guide their horses forward or laterally, and not "back" their horses unless forced to.
4. If a horse becomes over excited and out of control, he must be withdrawn immediately and kept clear of the crowd.
5. In a major disturbance, personnel must remain mounted and prevent any interference with the care and control of their horses. They must give assistance to other riders in their detail and prevent injury to their own and other horses.
6. Operating in all types of crowds, the safety of the public must be in mind at all times. Under normal circumstances, accidents and injuries can be avoided with good horsemanship and restraint.
7. Excessive force will not be tolerated under any circumstances. Riding crops may be used only for protection against assault and to prevent interference with equipment and the care and control of the horses.

Field Command and Leadership

All Unit Supervisors participate in crowd

Control and other Unit training program. Good leadership in the field is the key to effective and efficient operation and the responsibilities of command are stressed at all times.

As Section Commanders, their responsibilities are as follows:

3. Maintain communication with control and comply with the direction and orders of Field Commanders.
4. Ensure that personnel are well informed of the situation at hand and that they understand fully the tactics and "plan of action" to be used.
5. Give particular attention to the less experienced personnel and guide and assist them when necessary.

In general, the "man and horse" are trained to be an effective and flexible tool for crowd control. With his advantage of height and manoeuvrability, the "Mounted Officer" often performs the duties of ten footmen and in a safe and orderly manner.

In other circumstances, where conflict is involved, he must act forcefully, using his horse as a weapon, but with the safety of innocent by-standers in mind. In a confrontation, injuries from horses may occur and, in most cases, the "rider" cannot be held responsible.

The conduct and attitude of the individual Officer is an important factor in the orderly control and manipulation of crowds. '

Inspector Johnson has been with the Force for 26 years, of which the last 23 were with the Mounted Unit of which he has been in command for the past 9 years.

During the Second World War he served as a Regular Army cavalryman for 3 years with the Royal Canadian Dragoons.

Inspector Johnson is a highly experienced, dedicated and conscientious police officer with considerable expertise as a rider and trainer of both horses and riders for use in crowd control and with considerable experience gained from the actual use of the Mounted Unit in many and varied crowd situations.

At the meeting held on October 19 of Senior Police Officers, Chief Adamson of the Metropolitan Toronto Police Force made the decision and ordered the Mounted Unit to assist in crowd control as part of the security arrangements for Premier Kosygin at both the Inn on the Park and the Science Centre and the Emergency Task Force for use in the personal security of the Soviet Premier on his way to and from the Science Centre.

From this Inspector Johnson concluded that the Emergency Task Force would not be available to assist the Mounted Unit in crowd control as was done occasionally, if not as a matter of course, in the past.

At 4:30 p.m. and after consultation with and upon the direction of Assistant Superintendent Telford, Inspector Johnson took up a position with 20 mounted men along the front of the Fountain Area at the Science Centre.

At 5:30 p.m. and in anticipation of Kosygin's arrival at the Science Centre at 5:45 p.m., Inspector

Johnson moved the entire Unit up in broken-line formation facing east on Don Mills Road from the southerly limit of St. Dennis Drive to a point just south of Rochefort Drive and immediately behind the police line along the east curb.

These returned to the front of the Fountain Area shortly after Kosygin and his party entered the Science Centre at 5:45 p.m.

Thereafter there were 20 mounted men in somewhat close formation opposite the street entrance on Don Mills Road and along the front of the Fountain Area.

From the time that the crowd began to continually increase at the intersection of St. Dennis Drive and Don Mills Road from 6:00 o'clock onwards, Inspector Johnson spent most of his time on his mount in the opening of the street entrance with his 2 section leaders close behind him and from time to time he moved to the centre strip or median of Don Mills Road for a better view and appraisal of the situation at the opposite intersection.

At 6:30 p.m. Inspector Johnson consulted with Acting Superintendent Telford at the centre strip about the growing build-up at the intersection and was by the Acting Superintendent instructed to be alert and ready in case he was called.

The Inspector then conferred with his section leaders and formulated the plan that if the Mounted Unit was called in to assist they would enter the crowd at its weakest point on St. Dennis Drive, clear it of all demonstrators by

dispersing them off onto the sides and then going in behind the crowd at the northeast corner where it was the thickest -- estimated at some 25 to 30 deep, and relieve the pressure there from behind.

From 7:00 o'clock on Inspector Johnson remained on his mount in the intersection at the centre strip opposite the median to be closer to and in full view of and on the alert for any command for assistance from Acting Superintendent Telford.

As the police line at the northeast corner swayed back and forth and the bulge then developed the Inspector observed the manual signal from Telford, who was on the line with his men, ordering him forward.

Of what the Mounted Unit was to do Telford testified that their only purpose was to go in and split the crowd to relieve the pressure on the line; that they were not to seek out troublemakers but to move them out of there and that they were not to chase any wrong-doer into the crowd.

Upon the verbal command given to him by Telford, Inspector Johnson in turn and by pre-arrangement with his two section leaders who were then in line formation with seven other mounted officers ordered and led them forward -- 10 in all, toward the crowd.

They crossed the intersection at a controlled trot with their riding crops in their saddles. Made aware of their approach from the noise they made as they trotted across the

pavement, the crowd and consequently the front line of policemen moved back, i.e., eastwards, some 10 to 15 feet or more on St. Dennis Drive and the second and third line of policemen across the mouth of St. Dennis Drive made way for them by stepping back, thereby exposing the front line of policemen and the crowd to the approaching horsemen who came to a halt momentarily a few feet back from the front line of policemen who maintained their positions in the line across the front of the crowd along the full width of St. Dennis Drive.

At this time the front line of policemen stood on the white line marking the easterly limit of the cross-walk across St. Dennis Drive and the first two or three of the horsemen who were in the lead, one of whom was Inspector Johnson, came to a halt partially within the cross-walk.

By then, also, the pressure on the curve of the curb at the northeast corner which had caused the bulge had subsided as the attention of the demonstrators and the police who were there was diverted to and became transfixed on the horses at the mouth of St. Dennis Drive.

As the horses approached and then stood in this position more candles and plastic holders and other objects were thrown over the crowd toward the foot police in the lines and the mounted officers, striking some but for the most part passing over them and landing on Don Mills Road as cameras flashed in quick succession to record the fast-moving events.

Apart from the objects that were then being thrown and the verbal abuse that was being hurled at them, the crescendo of the shouting and the excitement of the crowd, there was then no positive single or collective act of hostility on the part of the crowd.

Any resistance by the crowd at this time was not only an impassive one but involuntary because of the mass of bodies that was compacted on the street and on the sides thereof making it difficult for them, without any prior warning, to extricate themselves therefrom even if they wanted to, as quickly as the police might have expected them to do.

And the crowd may have stopped in their retreat as it did because the horses came to a halt a few feet in front of them, thereby being led to believe that the riders did not intend to drive their mounts into the crowd.

When the crowd at the front of the police line on St. Dennis Drive made no attempt to withdraw or disperse more than the 10 to 15 feet it already had, Inspector Johnson ordered his mounts forward with their riding crops out and at the ready.

And he did so within a matter of seconds after his mounts had come to a halt in front of the crowd, without adequate warning or order to them to withdraw or to disperse and unaware that the dangerous situation which existed moments before at the curve of the curb at the northeast corner had suddenly and completely subsided or, as one of his riders put it, had been defused.

As he advanced across Don Mills Road and entered the crowd Inspector Johnson believed that the Emergency Task Force would not be available or made available to assist the Mounted Unit with the crowd because of the decision that had been made the day before to assign that Force to assist in the personal security of the Soviet Premier.

Of this Inspector Johnson testified:

'I was leaving that up to the Field Commander' but 'we felt that we would not have the support of the E.T.F. like we usually have in these operations.'

After giving his opinion that it would be 'very unwise' and 'very much against our policy to send foot men into a crowd to pull out protesters' because of the great danger to the men, he said that 'usually the procedure in a crowd is to disperse the crowd and then the E.T.F. or other foot men (move) behind us and apprehend the people' and after the horses have split a crowd and moved them to a predetermined position to move in 'to maintain the line and also----apprehend the protesters regarding arrests and so on.'

Finally, Inspector Johnson conceded that, having later pushed this particular crowd to the north side then, 'In the normal circumstances (had) the E.T.F. been there and followed us in, they would have maintained that line and we would have fallen back.'

Of the availability of the E.T.F. and the assistance it usually gives the Mounted Unit in crowd control, one of his riders testified:

'I knew that they were not going to be fulfilling their normal role with us, their sometimes normal role with us, should I put it that way, to come into the crowd.'

In describing this role he said:

'Well, they normally operate along with the horses, virtually as an arresting body. We go into the crowd, they come in with us, usually behind us, we usually pass through their line in fact. They then follow us up and act virtually as a mopping-up unit. They mop up the demonstrators that come through our line. If there is anybody causing particular trouble, we try to pass them through the horses and the E.T.F. follow up from there.'

With the belief, for the reasons given, that the E.T.F. would not follow his unit in to assist them as they usually did, Inspector Johnson led his men into the crowd with their riding crops out and at the ready to protect themselves and their mounts.

Because the crowd was bigger at the northeast corner and the objects that were being thrown appeared to come from the back of that area, the Inspector ordered 7 of his mounts to the north curb and the other two to the south curb of St. Dennis Drive.

Inspector Johnson entered the crowd on a firm but controlled walk of his mount. Having easily made an opening with minimal resistance, 4 or 5 of the other riders who were behind him followed through in somewhat of a single file at a quicker but controlled walk approaching a semi-trot toward and along the north curb of St. Dennis Drive. The remaining 2 or 3 riders, who were at the rear of the line, swung their mounts toward and proceeded at a quick but controlled walk approaching a semi-trot over the curve of the curb at the northeast corner and onto the lawn toward and into the crowd to the east of a sign located thereon.

As the first of the 4 or 5 other riders proceeded 60 to 80 feet easterly along the north curb on St. Dennis Drive they turned and proceeded northerly onto the lawn in wedge formation, advancing at a quick but controlled walk against and pushing the crowd toward and back to the most southerly of the spruce trees.

Although Patrol Sergeant Patrick Woulfe was aware that the original thrust of the horses east on St. Dennis Drive had not only cleared the street to the boulevard on each side, but had also relieved the pressure at the northeast corner, he nevertheless ordered and led his group of 6 mounts onto the north lawn without further instructions from his superior officer because, as he explained, 'I knew this was the plan' whose purpose 'was to divide that crowd up into smaller groups.'

At this time on this lawn were most of those who were originally there at 7:00 o'clock -- a crowd of some 25 to 30 deep, and the larger part of the demonstrators who had been dispersed from St. Dennis Drive on the first thrust of the horses easterly thereon.

As the horses advanced upon them in this manner most of the demonstrators scurried or ran to get out of their way and in doing so several stumbled or tripped and fell to the ground and several were accidentally struck by the horses and knocked to the ground. A few stood their ground. Others struck or attempted to strike at the riders or their mounts

with their placards or umbrellas either in protest of the action of the horsemen or in self-defence.

With the quick manoeuvring of the horses and the ensuing scramble of the people to get out of their way, 2 mounts - one following the other, suddenly and unexpectedly came upon the cartons of candles and of plastic candleholders that were piled neatly in the form of a quadrangle on the lawn well back from the east curb of Don Mills Road and just north of the sidewalk on the north side of St. Dennis Drive. The mounts were unsuccessful in their effort to hurdle them. In attempting to do so they sent 2 young girls who were crouched within the quadrangle scurrying for their safety and knocked the cartons over with their hooves, scattering the contents on the lawn and one, if not both, of these horses immediately returned to trample over them.

With 7 horses advancing in wedge formation in a northerly direction on the lawn at a controlled semi-trot the crowd was forced back toward and up against the apartment building and split to the west and east of the clump of spruce trees which were located on the lawn close to the northeast corner.

In distances they were forced back some 125 feet to the apartment building with the front of the crowd then being 50 to 60 feet from the north curb of St. Dennis Drive and extending easterly some 250 to 300 feet from the east curb of Don Mills Road.

As Inspector Johnson entered the crowd slightly north of the centre of St. Dennis Drive the two riders to his right who had been directed by him to the south side of the street

confronted the crowd head on and when it didn't give they swung their mounts at a trot in a circular or semi-circular maneuvre in the intersection and directed them at a quicker walk than the others approaching a semi-trot toward the crowd which quickly dispersed to the east and over onto the south side of the street.

In the meantime, having made the original opening in the crowd on the north of St. Dennis Drive and the 7 riders having gone through it, Inspector Johnson swung his mount to the south to assist the two riders on that side, if needed.

Except for Inspector Johnson who never removed his riding crop from his saddle, all the other riders removed theirs on his order before entering the crowd and held them either by the side of their mount, upright, or in a swinging, flaying motion in the direction of the scurrying and running demonstrators in front or to the side of their mounts.

As the horses came among them in this fashion shouts of 'Shame, shame, Gestapo' rose from and a barrage of missiles, consisting mostly of candles and plastic candleholders, either singly or as a unit, were thrown at them from the crowd.

Except for a small number of stragglers St. Dennis Drive was rapidly cleared by these quick maneuvres and the crowd then stood on the curb, boulevard and narrow lawn on the south side and on the wider lawn about 50 to 60 feet north from the north curb of the street.

With this the 7 mounted officers on the north lawn, who by now were standing facing the crowd, were ordered to withdraw to St. Dennis Drive.

As one of these riders put it, 'I saw the other horses falling back and we had achieved, as far as I was concerned, what we had set out to do at that time (and) I fell back with them.'

As they stood on the south side of St. Dennis Drive several carton boxes and more candles and candleholders were thrown in the direction of the mounts and their riders.

In so withdrawing from the north lawn they left the crowd up by the apartment building without any foot policemen to hold them there if indeed it was the plan of the police that the crowd was to remain or be kept there. When the mounts returned to the south side of St. Dennis Drive some 75 to 100 demonstrators from the crowd advanced in a disorganized manner southerly across the lawn, some with their placards and others carrying their umbrellas, shouting and yelling their remonstrations at the mounted officers on the street."

This movement was interpreted as a hostile, menacing and threatening advance upon the mounted officers with the result that the same 7 officers who were earlier on the north lawn were ordered to advance against this group of advancing stragglers.

With this order to advance Inspector Johnson hurried to the mouth of St. Dennis Drive and manually ordered 4 of the mounted officers who were standing in reserve at the street opening to the Science Centre on the east side of Don Mills Road forward and joined them on their thrust northeasterly onto the north lawn to assist the 7 mounted officers who were

by then advancing northward on the lawn.

One of these four riders immediately withdrew his mount back across Don Mills Road when it slipped on the wet grass because of its rubber shoes and balked at the debris of cartons and their contents on the lawn.

Ten horses now moved against the straggling group of advancing demonstrators and toward the others in the crowd at the back of and on the north lawn at a firm, controlled walk with some moving quicker than others and with some riders with their riding crops by their side or at the ready and others swinging and flaying theirs at the demonstrators in their way, pushing them further back than on their first thrust on the lawn.

As with the first thrust some of the demonstrators deliberately attacked some of the horses with their placards and umbrellas and attempted to unseat several of the riders and other demonstrators sought to protect themselves from the horses advancing upon them and as a result one arrest at least, if not two, were made.

But unlike the first thrust no demonstrators were knocked or fell to the ground.

This time, also, two riders drove their mounts at a trot and in a circle around a spruce tree, swishing their crops at the several persons who took cover under it. Another rider trotted his mount at high speed across the front of and from the west to the east end of the crowd that was backed up

against the apartment building.

Two riders proceeded northerly on the lawn to the front on the west side of the apartment building a distance of 125 to 150 feet from the north curb of St. Dennis Drive, chasing and pushing the crowd further north than hitherto and into the ground level alcove verandah of the apartment building.

The one arrest that was made on the lawn at the northeast corner was of a young university student -- one Bohdan Petyhyrycz, who is alleged to have attempted to unseat a rider. Observing the scuffle between them a traffic foot policeman came to the assistance of the rider and in turn became involved in a wrestling, tumbling scuffle with the young demonstrator falling to the ground between the horses which were moving about them. In the end 7 mounted riders came to the assistance of the foot policeman and either directly participated in subduing the demonstrator or by surrounding the two of them to keep the other demonstrators from interfering.

It was after this young demonstrator had finally been subdued and was being held forcibly by a rider and the traffic policeman when Inspector Magahay appears for the first time on the lawn to assist in this arrest. Indeed, two other traffic foot officers came to assist and the three traffic officers then conducted the youth under arrest to the police wagon in front of the Science Centre to the east of Don Mills Road.

Inspector Magahay and the three traffic officers were the only foot men to come to the assistance of the Mounted

Unit in its two thrusts and manoeuvres on the north lawn.

On his own initiative Inspector Magahay ordered out his 47-member E.T.F., who up until then were in the cafeteria of the Reception Building, to assist the Mounted Unit and this only after the four mounted officers were ordered forward by Inspector Johnson to assist the 7 other mounted officers on their second thrust onto the north lawn.

Upon arriving at the intersection of Don Mills Road and St. Dennis Drive the E.T.F. secured the curve of both curbs and the extension of the curbs easterly on St. Dennis Drive for approximately 20 feet and from there across the width of the street in an inverted 'U' formation.

The crowd at the northeast corner and on the north lawn on St. Dennis Drive having been dispersed and pushed back in the manner and to the extent that it was, the 11 mounted officers standing on the north lawn withdrew for the second time to St. Dennis Drive and after rejoining the remaining 2 riders that were always on the south side withdrew to their original position in front of the fountains.

In moving out of St. Dennis Drive, the E.T.F. and the other foot men who were there opened up to let the Mounted Unit by and then re-formed across the street.

As the remaining foot policemen quickly bolstered the re-formed line across the mouth of St. Dennis Drive the Emergency Task Force withdrew to the Science Centre.

After the tumult subsided following the withdrawal

of the Mounted Unit many of the elderly and the older demonstrators forsook Kosygin's departure from the Science Centre and returned to their homes humiliated and hurt more in their pride than to their person from the Mounted Unit being used against them and leaving the younger ones to continue their demonstrations of protest on Kosygin's departure from the Science Centre.

The crowd that remained were permitted to return onto St. Dennis Drive and at the corners thereof with Don Mills Road where they remained in peaceful protest until Kosygin left at 9:30 p.m. to return by the same route to the Inn on the Park.

As with Kosygin's expected arrival, so too with his expected departure, the Mounted Unit took their position in a display of strength in broken line formation just east of the median facing the crowd on the east side of Don Mills Road.

As with his arrival, Premier Kosygin and his party left the Science Centre without an incident.

With this the demonstrators dispersed to their homes as peacefully as they had arrived to protest his visit and to make known their opposition to Soviet Communism.

THE EMERGENCY TASK FORCE

This unit of the Metropolitan Toronto Police Force was formed in April of 1967.

While this unit is designated in the organizational Chart approved on August 3, 1970, by the Metropolitan Toronto Board of Commissioners of Police as a Special Unit, as is the Mounted Unit, of the Field Support Services under the command of the Deputy Chief of Police of Field Operations, the Rules, Regulations and Procedures of the Main Force do not detail the unit's function or prescribe any particular training or equipment for the members thereof nor the situations when it should be and the procedures to be followed in its use as a unit.

The present Chief was instrumental in forming this unit under the direction of then Chief Mackie. They were formed, as Chief Adamson testified, 'for two purposes: first, for riot control and riot situations and, secondly, as a mobile crime prevention task force.'

As to its function, Inspector Walter Magahay, who has been in charge of the unit since its formation, described it as consisting of a number of responsibilities in the following areas of:

- 1) the protection of V.I.P.'S or of other important visitors;
- 2) saturation of patrol in high crime locations;
- 3) assisting any other division, district or unit;
- 4) strikes, labour disputes or crowd situations;

- 5) explosive devices or chemical transportation problems or accidents; and,
- 6) searching for missing persons and more particularly those of tender years.

While the members of this unit are all initially experienced police officers they do not receive any 'special' training in any one of the 6 particular areas for which they may be used.

Of the 46 members of his unit Inspector Magahay said that while they may be more familiar with these aspects of their work than other policemen may be they were not 'specialists' in them.

Of them Chief Adamson said that they are usually used in large crowds or in crowd situations and are quite frequently used in support of the Mounted Unit with whom they regularly train.

They are a mobile unit and may be moved quickly by motor vehicles wherever they may be needed.

Each member of the unit is dressed in regular street uniform and carries with him a service revolver, a regular baton and handcuffs.

In a mobile van and in their cars they also carry riot helmets with plastic facepieces, plastic shields, 27" batons, tear gas and gas masks.

What training the unit undergoes in respect to crowd control relates to the moving of groups of people by means of different formations when required to act either alone or in conjunction with the Mounted Unit. In this latter respect they train in order to familiarize the men with the horses themselves and with the crowd control drills or patterns.

In the past this unit has on occasion been used in crowd

control by following the Mounted Unit into the crowd, picking up the stragglers that get through or are left behind by the Mounted Unit and generally looking after the clean-up process and when once the crowd is moved by the combined efforts of both units to a determined position or location the Task Force personnel are used to hold the crowd there but only temporarily until they are replaced by regular foot policemen.

As to the actual use that is made of the Emergency Task Force in crowd control Telford, who was the officer-in-charge of controlling this particular crowd, was then aware, as he testified, that 'they are trained with the horses with respect to crowd control'; that they 'have special training with respect to being able to work with the horses' operation in crowd control'; that 'it has always been the function at any demonstration that they work closely with the horses'; that in this the Emergency Task Force, which is a special unit, follow in behind the horses as 'a very common procedure' and that 'it is primarily their function to hold the crowd back once the horses have moved them back or tried to maintain the people in this area where they have been pushed back to.'

At the meeting held on October 24 with Acting Deputy Chief Genno, Acting Staff Superintendent Telford and Inspectors Johnson and Magahay in attendance, Chief Adamson specifically assigned the E.T.F. to assist in the personal security of Premier Kosygin on the short trip by motorcade from the Inn on the Park to the Science Centre and return, as well as for the interval of time that the Soviet Premier would be in the Centre.

During this interval they were to stand by and be deployed as and where needed.

The E.T.F. arrived at the Centre with the Kosygin motorcade at 5:45 p.m. and upon reporting to Acting Staff Superintendent Telford at 6:00 p.m. Inspector Magahay and his unit were by him placed on standby or reserve for any duty which he might by order assign to Magahay and in such manner as he might direct.

At the same time it was decided that the motor vehicles which were used by the unit should be parked on the South Parking Lot at the northerly end thereof and immediately west of Don Mills Road.

As with any demonstration it remained only for Telford, as the officer in charge, to determine what Magahay was to do, if anything, to assist in controlling this particular demonstration.

While his entire unit was on semi-alert but relaxed in the cafeteria in the Reception Building, Inspector Magahay was out twice at least -- once when he surveyed the alternate rout for Kosygin's return to the Inn on the Park and again later when he heard on his mitre radio set that the crowd had or were breaking through.

It was while he was approaching the area where the motor vehicles of the units were parked when he heard over his mitre radio set and from an officer who was running toward the Reception Centre shouting 'They are breaking through', that the crowd had broken or were breaking through whereupon Inspector Magahay ordered his unit out over his radio communication with his Sergeant.

Not certain that his order over the radio had been received the Inspector runs to the cafeteria around the southerly end of the fountain area and down the partially covered

driveway immediately in front of the Reception Building and on the ground level and through the entrance to the Reception Building to personally order his unit into action. He meets them as they are running out with their regular equipment from the cafeteria and from here he leads them through the front entrance on the ground level of the Reception Building by the same route to the street entrance on Don Mills Road where they form ranks.

By then the second section of the Mounted Unit, consisting of 4 riders, had just shortly before been ordered forward by Inspector Johnson on the second thrust of the mounted officers onto the north lawn.

Observing that St. Dennis Drive was open and that there were a few straggling demonstrators on it, Inspector Magahay orders and leads his unit across the intersection and deploys them to the north and south curbs from the curve at the intersection of St. Dennis Drive and for a distance easterly along the curbs of some 20 feet and from there in an inverted 'U' formation across St. Dennis Drive to hold the crowd should it break through the mounted officers and return to St. Dennis Drive.

In this they went to the assistance of or were assisted by the other foot policemen who were already there in the intersection and between them they restored the police line along the curbs of and across St. Dennis Drive.

At this time the crowd of demonstrators stood

along the curb on the south and back by the apartment on the north lawn of St. Dennis Drive.

Immediately upon his arrival in the throat of St. Dennis Drive Inspector Magahay goes to the assistance of a mounted officer and a foot officer who were scuffling with a demonstrator in an attempt to arrest him.

Of his entire unit, Inspector Magahay was the only one that went to the assistance of the mounted officers. All the others remained, as directed by him, on the curbs and across St. Dennis Drive.

Inspector Johnson first learned of Magahay's presence in the area on St. Dennis Drive when he saw him come across the north lawn to assist in the arrest of the demonstrator.

Shortly after this the 11 mounted officers which were on the north lawn retreated to St. Dennis Drive and withdrew with the other two mounts that were there to their original position in front of the fountains. Following this the crowd was permitted to return on to St. Dennis Drive behind the re-established police line and the E.T.F. in turn withdrew to the Science Centre on instructions from Acting Superintendent Telford.

Throughout all of this -- from his first order to his unit into action to their withdrawal from the re-established police line, Inspector Magahay acted entirely on his own initiative and without any subsequent directions or orders from Acting Staff Superintendent Telford as officer in charge.

THE INJURIES RECEIVED AND ARRESTS MADE

With the size and composition of the crowd, in the darkness of the night and in the absence of any effective warning of their intended use, it was reasonable to expect that some of the public would be injured, if only accidentally, and that there would be some resistance, if only in self-defence, to the maneuvring of 13 horses among so many.

The sudden and unexpected appearance of the mounted officers took many of the public and some of the policemen in the lines by surprise and consequently many of the demonstrators who were compacted on St. Dennis Drive did not immediately react to them by dispersing or retreating out of their way and when they did they hurried, scurried or ran in all directions to escape from the advancing mounts.

And so it was that two of the riders initially met with some resistance on the south side of the street but only by force of the large number of demonstrators, the compactness of the crowd and the limited space that was available to those on the south side of the street to which to retreat.

The demonstrators on the northeast corner, on the north half of and on the lawn to the north of St. Dennis Drive dispersed more quickly because there were initially 7 and subsequently 10 horses used against them and also because there was a larger lawn area to which they could and did retreat.

It was on this lawn onto which the mounts made two forays where all but 2 of the 15 members of the public were injured as a result of the use of the Mounted Unit. These 2 were on St. Dennis Drive when the horses first entered the crowd and caught them by surprise. No injury was caused to any person on the south sidewalk of St. Dennis Drive or on the lawn adjacent thereto where no horse was directed.

Fortunately the total number injured were minimal having regard to the size of the crowd, the number of the mounted officers that were deployed to disperse it and the panic that ensued.

The following members of the public sustained the following injuries from the causes indicated:

- 1) A young female student fell to her knees on the pavement of St. Dennis Drive as she and her sister ran, because others did, on the entry of the horses into the crowd and both were struck by some unidentified person or by some unknown object as the sister went to help her and protect her from a mount which was advancing toward her. Both suffered more from shock than from the superficial injuries they sustained;
- 2) An elderly woman who was demonstrating peacefully with her husband fell to the ground on the northeast corner when she was accidentally struck by or stumbled as she tried to escape from the horses on their first thrust on the lawn and was struck by the hoofs of a horse as it pranced over her. In this she lost her shoes and suffered more from

the shock of the experience than from the minor injuries she received;

- 3) This lady's husband was deliberately struck several times across his back by an unidentified horseman with his riding crop when the man went to the assistance of his wife with his umbrella in hand as she lay on the ground, but was probably so struck in the mistaken belief on the part of the rider as to this man's intentions toward him or his mount by his actions. He too suffered more from the shock of the experience and in his feelings than from the superficial injuries he sustained;
- 4) A young female clerk who had been standing with candle in hand on the lawn by the candle booth was accidentally struck by a horse as she ran toward the apartment building to escape from the advancing horses. As she lay on her back on the ground the horse pranced over her and kicked her about the thighs of both her legs, bruising her extensively and leaving the scar of his hoof mark on her left thigh;
- 5) An unidentified girl fell to the ground either by being accidentally struck by a horse or by stumbling as she was attempting to escape from the horses on their first foray onto the north lawn and lay between the strewn candle boxes and the hind feet of a halted mount to the total unawareness or unconcern of its rider;
- 6) A young high school boy was struck on the head by an

unidentified horseman with his riding crop on the second advance of the horses on the north lawn as the boy stood on the boulevard of St. Dennis Drive with his back to and in the way of the approaching mount knocking him momentarily unconscious as a result of which he fell to the ground. He received a cut on the head requiring 5 stitches;

- 7) A young high school boy was hit on the head from the back as he was standing on the north lawn when the horses were there, either by an unidentified object hurtling through the air or by an unidentified person, knocking him momentarily unconscious and causing him to fall to the ground;
- 8) A man and his 13-year-old son who were standing on St. Dennis Drive both accidentally fell to the ground on the north lawn when they ran there to escape from the advancing horses on their first thrust onto the lawn and were partially trampled upon by some of the other fleeing demonstrators;
- 9) A man was struck on his head, either intentionally or accidentally, with a riding crop by an unidentified mounted officer as the man went to help a teen-age girl who had fallen on the north lawn during the first thrust of the horses and as the man held his umbrella up in front to protect himself from the mount that was advancing upon him. His head was cut requiring 11 stitches;
- 10) A man was struck, either intentionally or accidentally, by an unidentified mounted officer with his riding crop as

the man stood his ground on the north lawn among the maneuvring horses on their first advance;

- 11) An unidentified man had his hand badly injured when he stumbled and fell to the ground and a horse stepped on it;
- 12) An elderly woman was deliberately struck on her arm by a mounted officer with his riding crop when she touched a foot policeman on the shoulder as he held a youthful demonstrator under arrest following a scuffle with him;
- 13) A teen-age high school student was struck on the back of the head by an unidentified mounted officer with his riding crop as he ran, as did his parents from whom he became separated, to escape from the fleeing crowd and the advancing horses in front of the apartment building at the northeast corner of Don Mills Road and St. Dennis Drive, but on the side of Don Mills Road. This boy received no significant injuries.

The following members of the Metropolitan Toronto Police Force sustained the following injuries in the performance of their duties, as indicated:

- 1) Douglas Diplock, a traffic officer, received a cut to the eye and several bruises as he scuffled and wrestled with Bohdan Petyhyrycz in attempting to arrest him;
- 2) Peter Charles Sullivan, an auxilliary officer, was struck by some unidentified object on the helmet on his head as he and another officer struggled on the ground with another unidentified demonstrator who had attempted to dismount a

a horseman with the sharp end of the stick of a banner. The blow dented the helmet, shocked the officer and gave him a brief headache;

- 3) John Arthur Sinclair, a foot officer in the line, had his hands scratched and his hair pulled by an unidentified woman who got on his back as he was assisting an officer who was on the ground with a demonstrator who had previously attempted to unseat a horseman by striking at him with a stick. The palm of his hand was pierced by a sharp object in a separate incident when he went to the assistance of a mounted officer whose mount was being jabbed by a demonstrator with a stick and by another demonstrator with the point of his umbrella. Later, after he rejoined the line he had his eye cut from a rock thrown at him;
- 4) Keith Reginald Downing, a foot officer in the line, strained his arm and shoulder muscles from the tremendous pressure by the crowd on the line which broke the interlocked arm link of the officers as they struggled to resist the push;
- 5) Samuel Calderone, a foot officer in the line, sustained a small flake fracture at the base of the right index finger as he struggled with a demonstrator on the ground to arrest him. Because of this injury, for which he received medical treatment, the officer was off duty for some 6 weeks;
- 6) Douglas Joseph Carroll, an officer in the line, pursued a demonstrator who had been struggling with a mounted officer into the crowd on the southeast corner of Don Mills Road and St. Dennis Drive and was kicked by him on one shin, knocking him to the ground and then kicked again on the

other shin, from both of which he bled, limped in walking, received emergency hospital treatment and was off duty for two days.

The following members of the public were arrested by the officers, at the places, in the circumstances and with such accompanying force and resulting injuries, as indicated:

- 1) Andrew Chorney, Bohdan Chorney and George Curkowsky, teenage high school students, were arrested by Constable Robert Graves, a foot officer, and Patrol Sergeant Patrick Woulfe, and Constables Allistair McKechnie and Gerald Haywood of the Mounted Unit early in the evening by the creek in the area of the wooded ravine to the southwest of the Science Centre property when they deliberately attracted suspicion to themselves by their conduct. The three were temporarily handcuffed and, while some force was necessary to effect their arrest, it was reasonable in the circumstances and not excessive and the injuries sustained by them were insignificantly minimal and of no consequence;
- 2) At least 3 unidentified demonstrators were arrested by unidentified foot policemen in the lines from the front of the crowd at the northeast corner of Don Mills Road and St. Dennis Drive in the scuffles that ensued between the crowd at the front and the police during the several surgings of and the bulge in the police lines prior to the Mounted Unit being ordered forward. Apart from the usual physical restraints imposed no other force was necessary to effect

such arrests and no injuries were received by those arrested;

- 3) Zenon Kulchyckyj, a 20-year-old university student and a member of the Ukrainian group on campus, was originally arrested by P.C. Donald Wilson Buchanan with the assistance of P.C. James Samuel Kinnear during the scuffles that ensued at the northeast corner as he stood on the curve of the sidewalk with a long stick in hand, passively watching on or striking at Buchanan with it. Both excessive and brutal force was used in effecting the initial arrest on the spot and as he was carried bodily and forcibly in a horizontal position by these two arresting officers and five other officers during which time he was struck and kicked by a number of unidentified officers and later as he was being photographed at the patrol wagon;
- 4) Bohdan Petyhyrycz, a young high school student, was deliberately struck on the head by an unidentified mounted officer with his riding crop, as he was remonstrating with another mounted officer for having struck the man who was crouching over a woman on the ground with his riding crop. When this young man became involved with the mounted officer who struck him P.C. Douglas Diplock, a traffic officer, came to the assistance of the mounted officer and became involved in a scuffle with the young man and both fell to the ground where they wrestled among the several mounts whose riders came to the assistance of the struggling

traffic officer. Before it was over at least 5 mounted officers encircled the arrested man and P.C. Diplock, several with their riding crops upraised and 2 reaching out with their hands for the arrested person. In effecting his arrest he was pulled by the hair and held tightly around his neck;

- 5) George Dziarski, a teen-ager, was struck several times on the head and across his back by Robert Heenan, a mounted officer, and was arrested by him, allegedly because he attempted to interfere with him and his mount. When P.C. Dennis James Robinson, a foot officer in the line, and two other foot officers went to assist the mounted officer they grappled with the young man and all fell to the ground. He was then picked up by the hair and forcibly taken by them to the paddy wagon. As he was being so escorted some unidentified officers punched him and as he was being forcibly positioned to be photographed by the patrol wagon he was held by his hair, face, throat and hands by the arresting officers and several others, including Detective Glen Baillie, while he bled profusely from his nose. The laceration on his head required three stitches, he suffered some pain, sustained bruises about the face, had difficulty in breathing and was unable to eat solids for two weeks. Apart from the legality of his arrest, excessive and brutal force was used in effecting it, in escorting him to the patrol wagon and while he was being photographed. It was this young

- man's picture, which was taken by the patrol wagon, that was published in one of the newspapers;
- 6) Barry Allen Lebow, a mortgage broker, who was late for the vigil held by the Canadian Jewish Congress and joined the demonstrators at St. Dennis Drive, was arrested when he remonstrated with another mounted officer whom he saw strike George Dziarski and insisted on having his number. As he was being escorted under arrest through the police lines an unidentified officer stepped out and punched him in the stomach;
 - 7) Bohdan Kulcheckyj, the manager of a fuel oil business and a sub-post office at Ancaster, was arrested by P.C. John Williamson and P.C. James Sweeney, foot officers, for allegedly striking at a mounted officer, attempting to unseat him and for striking at his mount with his umbrella. In the ensuing struggle he was wrestled to the ground and then escorted forcibly by the arresting and several other officers to the paddy wagon where he was forcibly positioned to be photographed, which he violently resisted because he believed he was being photographed by or for the Russian Secret Police. In all this excessive force was inflicted upon him by the police;
 - 8) Ihor Horick, a businessman from London, Ontario, who came to the demonstration with his son and two young girls, was arrested by Constables Douglas Joseph Carroll and William Carpenter, foot men, allegedly for causing a disturbance by

swearing. Although these officers deny striking him he lost his jacket, rain coat, glasses and watch which he was wearing at the time of the arrest. In arresting him and forcibly escorting him to the patrol wagon and in positioning him to be photographed the officers used excessive force;

- 9) Orest Nowakiwsky, a University of Toronto student and a member of the University Ukrainian Club, who was in charge of the sale of the candles, was arrested by Detective Donald Bradbury for allegedly obstructing the police by refusing to move his car which was parked on the street opposite the strewn cartons of candles and candleholders which he was attempting to salvage. In effecting the arrest and escorting him to the patrol wagon some excessive force was used by the officers involved, but without any significant injuries.

An unidentified foot officer was said to have been struck by an unidentified demonstrator with a board or stick, either across his face or on the back of his head, or both, and to have sustained a welt on his face, but the Police Department had no record of this and the officer involved did not come forward to testify.

THE USE OF HANDCUFFS

With respect to the use of handcuffs by an officer in making an arrest or in restraining a violent prisoner the Rules, Regulations and Procedures of the Metropolitan Toronto Police Department dealing with the use of force provide that they may be used:

- 1) when an officer makes an arrest if the prisoner attempts to escape or if the officer believes the prisoner may attempt to escape;
- 2) when a violent prisoner is taken into custody; and,
- 3) when prisoners are being transported from one place to another.

While all of the uniformed police officers carried handcuffs they were used on only 3 of the 13 persons that were arrested. The injuries sustained by them in effecting their arrests were not only minimal compared with the injuries sustained by the majority of the others, but required fewer officers than was necessary to effect the arrest of or to restrain some of the others who were not only in handcuffs but no attempt was made to do so.

If handcuffs had been used on the others it would not have been necessary thereafter to twist or otherwise forcibly hold their arms behind their back or to maintain any forcible hold of any portion of their upper body. They could thereby probably have been restrained and subdued with less force and with a minimum risk of injury to all involved than was the case

and at the same time secure the arrests that were originally made.

Also, if handcuffed, the persons arrested might have offered no -- or at least less resistance than was the case when they were photographed by the police.

It would appear that the proper use of handcuffs would accomplish the following desirable results:

- 1) assist materially in securing the arrest made;
- 2) effectively prevent the person arrested from thereafter using his hands and arms toward the police in an attempt to resist the arrest or to escape from custody;
- 3) eliminate the need to twist or otherwise forcibly hold the arms of the person arrested behind his back with consequent pain and probable injury to him while he is conducted for any long distance to a paddy wagon;
- 4) minimize the risk of injury to both the person arrested and to the officer making or attempting to make the arrest.

THE PHOTOGRAPHING OF THE PERSONS ARRESTED

With 4 of the 13 persons arrested considerable force was used by the police in their efforts to position them so that they could be photographed by the police at the patrol wagons at the Science Centre with the arresting officer or officers for identification purposes.

Of these, 1 is shown being held forcibly by the hair of his head, by his throat and with one arm behind his back, with blood from his nose and mouth and obviously in great pain; another is shown being held by the police as he lay limp and dishevelled on the ground with blood around his mouth, and the third is shown being forcibly held by his arms behind his back.

Of these 3 arrested persons one was also photographed at the same time by photographers for the news media and a photograph so taken of him appeared in one of the Toronto newspapers.

The photographs by the police were taken pursuant to a directive in the Procedure on Crowd Control contained in the Rules, Regulations and Procedures of the Metropolitan Toronto Police Department, which provides:

'Ensure that a photographer be placed beside each patrol wagon to photograph each prisoner with the arresting officer RE identification.'

Chief Adamson took the position that such photographing by the police for identification purposes is legally justified by the Identification of Criminals Act, R.S.C. 1970, Vol. IV, Chap. I-1, which provides:

2. (1) Any person in lawful custody, charged with, or under conviction of an indictable offence, or who has been apprehended under the Extradition Act or the Fugitive Offenders Act, may be subjected, by or under the direction of those in whose custody he is, to the measurements, processes and operations practised under the system for the identification of criminals commonly known as the Bertillon Signaletic System, or to any measurements, processes or operations sanctioned by the Governor in Council having the like object in view.

(2) Such force may be used as is necessary to the effectual carrying out and application of such measurements, processes and operations.

3. No one having the custody of any such person, and no one acting in his aid or under his direction, and no one concerned in such publication, incurs any liability, civil or criminal, for anything lawfully done under this Act.

The Order in Council made pursuant to this Act is contained in Statutory Orders and Regulations Consolidation (1955) Vol. 2, p. 1855, provides:

'For the purposes of the Identification of Criminals Act, the measurements, processes or operations of fingerprinting and photography are hereby sanctioned.'

I render no judgment and venture no opinion on the question whether the police were legally justified under the provisions of this Act to take the photographs of these 3 persons having regard to the lawfulness or unlawfulness of the arrests, the nature of the offences in respect of which the arrests were made and to the place, the circumstances, the manner and the purpose for which they were taken.

It should here be noted, however, that the right of the police to photograph a person is conditional upon the person

being in lawful custody charged with an indictable offence and that, while assaulting or obstructing a police officer in the lawful execution of his duty is an indictable offence for which the person arrested in respect thereof may be photographed, causing or creating a public disturbance is only a summary offence for which a person arrested in respect thereof may not be photographed with impunity.

There is a practical and moral aspect, apart from the issue of the legal justification for the taking of such photographs by the police that I feel duty bound to consider and report upon as falling within the terms of reference.

As for the practical necessity for such a procedure, Chief Adamson testified:

'.....one of the reasons...is.....we have experienced a number of years ago demonstrations where we had to make mass arrests and we were not able to identify all of the individuals officers arrested. So we had to keep the people in the cells, bring the officers down to the cells to pick out their prisoner and this resulted in slow process and slow release of the people on bail. So I deemed it advisable, and again with the consent of the then Chief of Police, purchased cameras and set up the Procedure for the police officers to bring their prisoners before -- to the police van and be photographed in company with his prisoner and then they can be quickly developed so we know who has arrested who and the processing officers then can proceed to get the cases ready for Court.'

Having regard to the nature of this demonstration, the maximum security that was required, the mood and the actions of the crowd and the imminent break in the police lines, not a single police officer could be spared from the lines for any considerable period of time even for the purpose of conveying an

arrested person to the nearest police station.

Time and maximum police power were both of the essence of the situation.

Having made his arrest the officer should be able to identify his prisoner not only for the records but at the trial of his prisoner as well. In most cases this is done at and in the more subdued atmosphere and the privacy of the police station.

But with a demonstration involving so many people, the probability of many arrests and in the confusion and agony of the situation it is both practical and expedient that the arresting officer be photographed by the police at the scene by a patrol wagon with his prisoner for identification purposes.

In conjunction with this, however, either the police photographer or some other police officer attached to the wagon, should make an on-the-spot written record of all the necessary particulars involved in the arrest as would ordinarily be made in the booking-in process of the prisoner had he been taken directly to the police station by the arresting officer.

THE CLAIM BY THE C.B.C. OF PRIVILEGE
FROM DISCLOSURE OF INFORMATION

After viewing the film coverage taken and broadcast by the C.B.C. on its television network of certain of the events of Kosygin's visit to Toronto, including some of the events that occurred at the Ontario Science Centre, it was disclosed that 'cuts' had been made by the editors from the total film footage taken, which were not shown publicly.

When it was made to appear that the 'cuts' might be relevant and material to the subject matter of the Inquiry I directed that a summons be issued for their production.

Upon attending before the Commission with the entire film coverage Eugene Sanderson Hallman, Vice-President of the English Services Division of the C.B.C., and Knowlton Nash, Director of Television Information Programming for the English Services Division of the C.B.C., objected to producing the 'cuts' for reasons which were commendable but which, in the public interest, I found unacceptable and accordingly I directed its production and did view it.

From the transcript of the evidence I here reproduce the relevant parts of the reasons advanced against and for the direction made that such film coverage be produced.

Mr. Hallman said:

'...the Corporation fully recognizes the Commission's right to order the presentation of materials in our possession which may be considered relevant to this investigation. We would, however, like to state briefly our objections to making available materials

which have not been put on the air.

In recent years, particularly in the United States, there have been cases in which broadcasters and publishers have been confronted with an apparent conflict between the demands of journalistic practice on one hand and the specific orders of judicial authorities on the other to produce for examination material which has not been broadcast.

I think I can recall in the case of the C.B.S. program "The Selling of the Pentagon" was the subject of a Congressional Investigation and at that time this issue arose in very clear terms.

The broadcaster's objection to such orders -- and that, I think, of the publisher as well -- is based on his conviction that neither the gathering nor the presentation of news (including the notes, the raw films, the unedited recordings of interviews or events) should be impaired by having the confidentiality of news sources or the integrity of editorial processes diminished in any way. If they are diminished and if members of the public or the journalistic profession come to regard broadcasters and publishers as unwitting means of official surveillance -- by being ordered to produce news materials that are not already part of the public record -- the free press may be less free.

In the present case the C.B.C. has some film material from the demonstration at the Ontario Science Centre which has not been broadcast. We submit that the Commission's request that this material be made available raises a question of principle.

If the C.B.C. accedes without objection to the Commission's wish we risk the possibility that on a future occasion, when a serious question of editorial judgment may have been involved in the selection of broadcast material, the Corporation's freedom to advance reasons for being excused from the judicial order may be impaired. It is for this reason that the C.B.C. believes it must request the Commission to excuse it from producing the so-called "outs" footage which were never broadcast.'

And Mr. Nash said:

'As a professional journalist and with a fundamental responsibility in this field for the C.B.C. --- I am

deeply concerned about what we consider to be a highly dangerous abridgment of a free press inherent in the request for delivery of all the film shot by the C.B.C. during the demonstration under investigation here.

The Commission already has screened all the film which was used in C.B.C. broadcasts. To ask now for what is called the "outs" -- that film which was not used in what was broadcast -- represented what we would feel to be an invasion of privacy of the news media. It endangers the basic freedom of the press. Our concern is not so much with the substance or character of this film, but rather with the fundamental principle involved.

We believe what is being requested is dangerous to freedom of the press and the public's right to know for several reasons:

1. It makes the journalist, in effect, an investigative agent of the Police Department, government or the court. It puts the journalist in the role of a policeman and that is fundamentally wrong.
2. It has an inhibiting effect -- indeed a chilling effect on a reporter's ability to gather and report the news because it lays open to revelation and reprisal confidential sources of information.
3. It opens the door to intimidation of reporters and producers who should be concerned solely with providing the public with the pertinent facts of a given situation and not have to worry about the police or the government or the courts forever looking over their shoulders at their notes or film "outs", often in a totally different context from the time of the event.

The film "outs" that have been requested are much the same as the notes a newspaper reporter uses on which to base his story. As such, it seems to us an unwarranted invasion of the journalistic function to seek public presentation of those notes or "outs". Essentially such a request could well lead to indirect censorship. We should take every possible step to protect the public's interest by keeping journalism from this kind of surveillance.

I recognize these points are more in the nature of a philosophical argument than a legal argument. And we fully recognize this Commission's right to make any

request that it deems appropriate. But I think we in the journalistic business, however, have a right and indeed an obligation to point out what we consider to be an action which could well limit in the future the public's right to know.....

In no way do I think we should inhibit the pursuit of justice, but in instances such as this, justice, I believe, is better served by the preservation of the right of privacy to our film "outs" or notes. We cannot voluntarily provide all the requested material, and therefore I would join Mr. Hallman in asking respectfully that the C.B.C. be excused from having to deliver to this hearing the film "outs" as well as that film already seen by the public and by the Commission.'

My reasons for directing its production here follow:

'In respect of the film in question, the Canadian Broadcasting Corporation does not claim immunity from the summons issued by this Commission of Inquiry requiring it to produce the film for viewing by this Commission as evidence relevant to the subject matter of this Inquiry. It objects to its production upon the ground of journalistic privilege, and through its officers advances admirable and commendable philosophical reasons in support thereof.

That the film is most relevant and highly material to the subject matter of this Inquiry is established by the evidence of Martin Burke who was assigned by the C.B.C. to do this special news film and who was present at the time and place in question, and while the film was being taken, as well as by the evidence of Randall Platt, the cameraman.

The relevancy and materiality of the film is more firmly established by the evidence of Mr. Burke. The evidence which he related yesterday referred to incidents which he says are contained in this film, and in respect of some of which incidents he feels quite strongly and raises some strong objections as improper conduct on the part of the police.. This of course is an issue for this Commission to determine on all of the evidence, that if he, Mr. Burke, in charge of this production has such a concern, then it should be left for this Commission to determine upon a viewing of the film whether that concern is justified upon the evidence which he gave in conjunction with a viewing of the film itself.

The C.B.C. is a Crown corporation and is owned by and is operated on behalf of the people of Canada in part to gather, record and disclose the news events of the world and, more particularly, the news events as they affect Canadians.

Television has invaded our privacy in our homes. They have brought the world into our livingroom, and while they may be justified in a sense in claiming a journalistic privilege, the privilege fundamentally lies with the people of Canada and not with the editors of the C.B.C.

To recognize such a privilege and to recognize the privacy or the confidentiality of the news media on this Inquiry involving this particular film would be to deprive the people of Canada of their right to view and to know what is recorded and was originally intended to be shown to the people of Canada.

The National Broadcasting Corporation, United Press International and Channel 11 of Hamilton claimed no such privilege, and apart from any difficulty that was involved in tracing the whereabouts of the film which N.B.C. had, they cooperated fully with the production without raising any objection. So too the photographers with the two Toronto newspapers and the freelance photographers who were present and recorded the events that took place as a source and means of public information.

The news media and television, in particular, are the eyes and ears of the world, and for this reason this film I require to be produced for viewing.'

SUMMARY OF CONCLUSIONS

- 1) Within the maximum limit of the manpower that could be deployed for this purpose and at the same time provide adequate police protection to its citizens throughout the Metropolitan area, the Metropolitan Toronto Police Force provided and ensured the maximum security necessary for the safety of the Soviet Premier.
- 2) Subject to this consideration which was its primary obligation and subject, further, to the prevention of crime and to the peace being otherwise maintained, the members of the Metropolitan Toronto Police Force recognized and did not interfere in any way with the right of the members of the public to demonstrate by protest the visit of the Soviet Premier and to express their opposition to Soviet Communism.
- 3) The Acting Deputy Police Chief who was in over-all command, the actual Officer in Charge of all of the police personnel at the Science Centre and the commanding officers under him of the various police units involved were all experienced, competent, conscientious and responsible.
- 4) The responsible officers of the Metropolitan Toronto Police Force should have worked in closer co-operation than they did with the leaders of the Ukrainian Canadian Committee, particularly when it was made known to the police by the leaders a week in advance of the event that

they expected to turn out in such large numbers and sought the co-operation of the police to ensure their determination to demonstrate peacefully and in a dignified manner. This failure to co-operate and the break-down in liaison on the part of the police contributed in some measure, albeit indirectly, to the dangerous situation and resulting confrontation which developed.

- 5) Except for the Jewish Defence League and the Edmund Burke Society, the other ethnic groups, of which the Ukrainian Canadian Committee comprised by far the largest number, were firmly resolved to so demonstrate in a peaceful, dignified manner and by far the majority of them did so.
- 6) The threatened break in the police line was caused by a small number of unidentified youthful demonstrators who verbally urged the crowd on to the Science Centre and who physically pushed the crowd from at or near the rear toward the police line at the front.
- 7) With this pushing and the counter-pushing by the police in a determined attempt to contain the crowd and to prevent not only a break in the police line but any of the demonstrators from rushing across to the Science Centre and thereby endangering the safety of the Soviet Premier, the excitement grew, anxiety for one's safety increased, tempers flared, scuffles ensued, arrests were made, and the police lines threatened to break.

- 8) The agitation and pushing of the crowd by the small number of youthful demonstrators might not have been attempted and, if attempted, might have been thwarted, had there been an adequate number of foot policemen at the perimeter at the rear of the crowd and had the plain clothes police officers who were mingling with the demonstrators adequate mechanical means of instant communication with their superior officers who were in charge and otherwise performed the duties assigned to them.
- 9) When the pressure developed on the front police line, the crowd might have been restrained by constant police persuasions and warnings over adequate loud speaking equipment, but such was not available to them.
- 10) As the situation progressively deteriorated beyond the control of the crowd and against the maximum effort of the foot police officers over a period of 15 to 20 minutes before the bulge erupted in and the police lines were about to give from the pressure of the crowd, it became necessary and the officer in charge was justified in calling upon the Mounted Unit as a last resort to regain control of the emergent and rapidly increasingly dangerous situation.
- 11) The officer in charge exercised good judgment and made the right decision in ordering the Mounted Unit rather

than the Emergency Task Force to control the crowd. In appropriate and justifiable situations and only as a last resort, police officers mounted on horses are not only very effective in the control of a disorderly or violent crowd but accomplish the desired result more effectively and with minimal injuries and fewer arrests than would result from the use of foot policemen using riot equipment.

- 12) The officer in charge made an error in judgment in not calling upon the E.T.F. to assist the first group of the Mounted Unit by following in behind the horses and stopping behind them as a further show of strength when the horses were brought to a halt just by the front line of foot policemen and the crowd and of not later ordering them to follow the mounts into the crowd to protect both the mounts and the riders, disperse the stragglers and the object throwers, make the necessary arrests and help maintain the crowd in the position to which they have been moved.
- 13) The Mounted Unit should have first been used as a show of strength before entering the crowd as was done on the arrival and departure of the Soviet Premier.
- 14) The crowd did desist and withdraw and the pressure on the police lines was relieved by the time the mounted officers approached and brought their mounts to a halt a few feet

from the front police line and the crowd.

- 15) With this improved situation and the 3 lines of foot policemen that were there they could with the assistance from the Emergency Task Force, if needed, and without the use of their riot equipment, have reinforced the police lines and have regained the control of the crowd and of the situation with the appropriate use of adequate amplifying equipment.
- 16) The use of adequate sound recording motion picture equipment which was not available at the time to the Toronto Police would not only have had a restraining influence on those who might be disposed to hostile action or violent demonstration but serve as proof as well of the actions of both the crowd and of the police.
- 17) Notwithstanding the error in judgment that was made in ordering the Mounted Unit into the crowd there was no need in the situation as it then existed to order the Mounted officers onto the north lawn after the demonstrators had been cleared from the immediate northeast corner and on St. Dennis Drive or of advancing onto the lawn the second time.
- 18) The Mounted Unit first entered the crowd on St. Dennis Drive and subsequently on the north lawn without first re-assessing the situation that existed each time prior

thereto to determine whether there was actually any need for such further action and without first consulting with the officer in charge either as to whether there was any need to do so or to receive further instructions from him.

- 19) Because of the break-down in the mechanical means of communication between the officer in charge and the commanders under him, the commander of the Mounted Unit acted in excess of what was expected of him by the officer in charge and the commander of the Emergency Task Force acted entirely on his own initiative in ordering his unit to assist the other police at St. Dennis Drive and did so without the commander of the Mounted Unit being aware of their presence on the scene and in a manner that was less than their normal function in such situations.
- 20) As unbecoming as it may be of otherwise law-abiding, respectful citizens and as provoking as it may be to the police, the Mounted Unit was not justified in endangering the lives of other persons by attempting to disperse the agitators and the persons in the crowd who were throwing objects.
- 21) Unbecoming otherwise law-abiding and respectful citizens, many demonstrators hurled various objects at or towards the police, striking but a few of them, and a very small

number of demonstrators taunted, derided and insulted some of the police with provoking remarks and to their credit only a very few of the police retaliated in kind.

- 22) 13 known members of the public were injured as a result of the actions of the Mounted Unit in the crowd.
- 23) 15 known members of the public were arrested and in respect of 5 of them the police used excessive or brutal force.
- 24) There would have been no need to forcefully position the arrested persons to photograph them with the arresting officers at the patrol wagons if an officer had been assigned to each of the wagons to make an on-the-spot written record of all the necessary particulars involved in the arrests as would ordinarily be made in the booking-in process of the prisoners had they been taken directly to the police station by the arresting officers.
- 25) Less force would have been necessary to position the persons arrested so that they could be photographed with the arresting officers if such persons had first been handcuffed when or soon after they were first arrested.
- 26) No foot policeman used his baton or his billy and other than in effecting some of the arrests made none of them otherwise assaulted any member of the public.

- 27) In the dangerous situation that developed and having regard to all the other surrounding circumstances the police assisted the injured members of the public as best they could.
- 28) The leaders of the Ukrainian Canadian Committee and some of their marshalls did their utmost having regard to the excitement and confusion that prevailed and to their inexperience and insufficient equipment to quiet the crowd and to assist the police in controlling it.
- 29) With the early liaison that they had established with and the co-operation they received from the police; with their experience in such situations, the preparations made and equipment used and because they were firmly resolved so to do, the Canadian Jewish Congress conducted their demonstration in an orderly, peaceful and dignified manner and without incident.
- 30) Although the Ukrainian Canadian Committee had initially established such a liaison the police neglected to maintain it and did not extend the same co-operation to this Committee and although lacking the same experience and without making the same preparations and having the same equipment, the Ukrainian Canadians were as firmly resolved to demonstrate in an orderly, peaceful and dignified manner and y far the great majority of them did so.

ADDENDUM

Of recent years demonstrations of protest -- political and otherwise, have been more frequent, ever larger and resorted to by more sectors of our society.

They are an established part of our politically democratic way of life in the exercise of our fundamental right of freedom of speech and expression which has been recognized for centuries under the common law and more recently guaranteed to us by the Canadian Bill of Rights.

This phenomenon of the modern means of expression of political opinion has made the duty of the police more arduous and difficult both in the recognition of the right of free speech and expression and in the enforcement of the law and the maintenance of peace and order.

To serve and protect as best as is humanly possible in these ever increasing situations the police must not only have well trained, competent and conscientious personnel but be provided with the most modern equipment to effectively perform their duty in this regard.

The police personnel, training, experience, equipment, planning and organization that proved so effective in discharging this dual duty so often in the past may not be adequate for this purpose with the public political demonstrations of this day.

The escalating increase in the frequency, size and nature of such demonstrations with the consequent time that is

required to coordinate all the intelligence and other information, maintain the necessary liaison with the leaders of the groups expected to participate in them, as well as with the police agencies that may be involved, and to assess and coordinate the personnel and equipment that may be needed, must surely require the full time and attention of an experienced senior police officer with an appropriate title and a trained staff.

Such an officer would be trained in crowd psychology, in the techniques and every other aspect of effective crowd control including whatever equipment that may be required to this end and may well be the field officer in charge of all the personnel assigned to such demonstrations wherever they may be held in Metropolitan Toronto.

Specialization in personnel, equipment and planning is now imperative for the more effective control of the present-day public political demonstration.

What was totally wanting in equipment to assist in controlling the demonstration in question is now being procured.

This new equipment should be placed in the hands of trained personnel who, in turn, are under the direct command of an officer in charge who knows when and how to use it.

While the Mounted Unit and the Emergency Task Force of the Metropolitan Toronto Police are each very effective in crowd control, either separately or conjunctively, depending on the particular situation, the situations in which they may

or should be used and the procedures to be followed in their use should be prescribed by the Rules, Regulations and Procedures of the Department, if only as a guide, and should not be left to the sole discretion of the officers in command of these units however experienced and competent they may be.

The Mounted Unit has proved its effectiveness in crowd control many times in the past either without any or with a minimum of injury to members of the public. In this one mounted officer is said to be the equivalent of 15 officers on foot.

If it is anticipated that they may be needed then a survey should first be made of the area of the proposed demonstration to ascertain the nature of the terrain and to ensure that an avenue of escape for the people is provided. If a particular situation calls for their use, then, whenever possible, they should first be brought forward as a show of strength and appropriate warnings given. If used, the mounts should be directed firmly into the crowd and preferably at a controlled walk and the officers should only use their crops to protect themselves or their mounts. They should not attempt to make any arrests or to pursue a person who threw or is throwing any missiles if to do so would endanger the safety of other persons in the area. At all times the safety of the many is to be preferred to the dispersal or apprehension of the few.

The Emergency Task Force is very useful for the

purposes for which it was originally formed. It should probably receive more training in crowd control, particularly in conjunction with its use with the Mounted Unit. It would appear that acting together they are more effective than acting independently. Although equipped for riotous situations they have not had occasion, fortunately, to use it and will not use it unless absolutely necessary.

Neither unit should be used except as a last resort and then only after persuasion and warnings and the efforts of the foot officers have been ineffective. This is the firm policy of the Metropolitan Toronto Police. To its credit, also, is its determination to avoid, if at all possible, hand to hand combat between the police and the public and to avoid making mass arrests so as to minimize injury and to interfere as little as possible with the right of free speech.

As was done with the Shriners' Convention that was held in Toronto in 1962 when the then Chief of Police assumed the position of Control Officer over the preparations and planning for it, all decisions made and the final plan of organization formulated, as well as of the alternative plans of action decided upon, should be reduced to writing and distributed to all senior officers involved with a demonstration.

In the preparations and planning for any political demonstration the fullest liaison should be established and maintained with and, within reason, the fullest cooperation and assistance should be provided to the leaders of the groups

intending to or that may be expected to participate in any such demonstration and they should be informed what they can and can not do.

All discussions with such leaders and all decisions made in respect of any such group should be reduced to writing for record purposes and the decision and instructions should be given to the leaders of the groups for their information and guidance.

In return, all such groups who are genuinely resolved to demonstrate in an orderly and peaceful manner should establish a liaison and cooperate fully with the police prior to and throughout the demonstration in accordance with the decisions made and instructions given and with due regard for and obedience to the police in the lawful execution of their duty.

As onerous as their duties are and as provoked as they may be in such situations the police must themselves obey and conduct themselves in the performance of their responsibilities within the limits prescribed by the law.

On March 31, 1969, the Canadian Committee on Corrections reported:

'Effective law enforcement requires that the police be given adequate powers and be supplied with the necessary resources to efficiently perform the functions which society has delegated to them.

It is equally important that police powers and practices not undermine the societal values which they are established to protect, which include civil liberties as well as security of the person and property. It is necessary, therefore, to

strike a delicate balance between those powers of the police which are needed for effective law enforcement and the right of the citizen to be protected from abuse of power.'

While the common law justifies what the law requires it also prescribes that all powers the exercise of which may do harm to others must be exercised in a reasonable manner.

It follows from this that if a duty to be performed by the police can be effected by reasonable means in a less violent manner those means should be employed and anything more would constitute excessive or brutal force.

In the Report in 1962 of the Honourable Mr. Justice Dalton C. Wells (as he then was) on the Royal Commission of Inquiry respecting the arrest and detention of Rabbi Norbert Leiner by the Metropolitan Toronto Police he noted:

'Police brutality to accused persons is a form of torture which has no place in our law and it is utterly inimical to the liberty of the individual.'

and that:

'Personal abuse and injury of accused persons has no place in the common law system. In essence, any form of physical abuse is a form of torture. Torture has never been part of the law of England. There is no possible justification for the use of force unless a police officer is defending himself from the attack of someone who has to be taken into custody, or who has been taken into custody, or he is using reasonable force to effect a lawful arrest.'

The Canadian Committee on Corrections further reported:

'The Committee accepts as a fundamental proposition that interference with individual liberty can only be justified where it is clearly necessary in the interest of society as a whole, and that to re-te.

interference with individual liberty than is necessary to protect the interests of society is justifiable.'

Of police powers it stated:

'.....police powers which are too extensive, especially when harshly and unnecessarily used, create hostilities against the police which result in public attitudes and loss of community support which increase the difficulty of law enforcement. Police services must be efficient, but they must also be compatible with respect for basic ideas and feelings concerning the fundamental rights of the individual.'

Of provocative conduct toward the police this Committee noted:

'While the police officer must act with firmness and authority when the necessity arises and is often subjected to extreme provocation, provocative behaviour on his part or the use of undue force by the police may result in the escalation from a minor to a more serious offence with unfortunate results not only from the point of view of the offender, but from the standpoint of the public. We consider that there is a need for the training of police personnel not only to avoid provocative behaviour, but to tolerate behaviour which is provocative but not criminal. The ability to tolerate provocative behaviour is particularly important in dealing with young people, where resentment of authority may be a transient phase of their experience.'

In return for the onerous and difficult and, at times, thankless duties which the police are asked by the public to perform on its behalf, the police are entitled to the respect, support and cooperation from and to the confidence of the public whom it is their sworn duty to serve and protect. Indeed, it is the moral duty of all good citizens to do so.

Of the police and the public the Canadian Committee on Corrections reported:

'There is unanimity of opinion that the police cannot effectively carry out their duties with respect to law enforcement unless they have the support and confidence of the public. Not only is the co-operation of the citizen necessary for effective law enforcement, but disrespect for the police creates a climate which is conducive to crime.'

and further:

'The police feel, and with some justification, that the public fails to realize the difficulties inherent in the duties which they are called upon to perform, and that they are frequently subjected to criticism that is unjust. Apart from the damage to police morale, unwarranted criticism over a long period of time can lead to frustrations on the part of the police. This sometimes results in a police reaction which occasionally causes the police to overstate their role, which in turn sows the seeds of further conflict. Unwarranted criticism, of course, leads to a lessening of public confidence in the police and makes it more difficult for them to perform the important duties which society has entrusted to them.'

In 'The Pirates of Penzance' W. S. Gilbert wrote of the policemen of his day:

'Ah take one consideration with another,
A policeman's lot is not a happy one.'

This is a gross understatement of the policeman of today.

Probably the most onerous and the most difficult of all duties that any police force has to perform is the maintenance of peace and order at a political demonstration of protest by a multitude of citizens in the exercise of their fundamental freedom of speech and expression against a foreign head of state against whom they are so politically antagonistic and in respect of whose personal safety the police are charged

with an overriding duty of providing maximum security.

Add to this the concurrent duty that is imposed upon the same police force of protecting the demonstrators themselves from harm against agitators bent on causing a disturbance and the further duty imposed on it to other members of the public of preventing a breach of their right to peace and tranquility and of preventing damage to their person and property.

All these difficulties were further compounded by having to perform these onerous duties in the darkness of the night which was illuminated only by the candles of the demonstrators, many of which were hurled at the police from all directions, and by the frequent flashes of the photographers and the bright lights of the T.V. cameramen which excited not only the curiosity of the demonstrators but their emotions and actions as well.

While such actions of the news media may tend to aggravate such a situation and interfere with the work of the police, they have a right to be present at such public demonstrations to record and report them within the limits of the fundamental freedom of the press which has long since been recognized under the common law and more recently guaranteed to us by the Canadian Bill of Rights.

Apart from such right their presence for this purpose is desirable if only as the representatives of and for the information of the public at large and as a restraining influence

on the actions of the demonstrators and the conduct of the police.

The information so obtained on behalf of the public at large, whether subsequently publicized or not, cannot be privileged as was claimed on behalf of the Canadian Broadcasting Corporation, particularly when such information is required on behalf of the public as it was on this Commission of Inquiry.

All good and law-abiding citizens should recognize and understand these most onerous and difficult responsibilities and make all due and proper allowances for decisions that must be made quickly and actions that must be taken promptly in the anxiety, tension and agony of a sudden and inherently emergent or dangerous situation, which decisions and actions in hindsight may not be warranted or justified by the facts of the situation when they are subsequently minutely and microscopically analysed in the calm atmosphere of the hearings by a Royal Commission of Inquiry.

AN ACKNOWLEDGMENT

As difficult and onerous as my task may appear to have been I was considerably assisted by the extremely thorough, completely impartial and most orderly presentation of the evidence by Mr. W. J. Smith, Q.C., as counsel to the Commission.

In this he was ably assisted in a most exemplary manner by Mr. John Laskin.

The evidence so adduced was in turn either further elucidated or tested by subsequent examination or cross-examination by able and responsible counsel in the person of Mr. R. McMurtry, Q.C., and Mr. R. J. Carter, who did so without emotion or rancour.

From the outset the conduct of all counsel established a seriousness and calmness of attitude and a sincerity of purpose that continued throughout the hearings and set an example which was followed by the many witnesses who testified.

For the intensive investigation which preceded the hearings I am grateful to Mr. Eric Silk, Q.C., Commissioner of the Ontario Provincial Police, who immediately made available to the Commission Chief Superintendent J. L. Erskine and Chief Inspector W. H. Armstrong, under whose direction and supervision the exhaustive and painstaking investigation was conducted and all necessary preparations for the hearings were made in a most thorough and impartial manner.

I also acknowledge the co-operation received from

His Honour Chief Judge C. E. Bennett in making all the necessary arrangements for the functional aspects of the hearings and for making available the Judges to replace me during my absence from my regular duties. To these Judges I here record my gratitude.

To His Honour Judge W. E. Martin I express my appreciation for relinquishing his Court Room for the lengthy hearings.

Finally, to Mrs. Margaret Lavoie, my regular Court Reporter and secretary, I express my deep gratitude for the time and effort expended so diligently, enthusiastically and patiently in the transcribing of this Report and thereby making it possible for it to be presented at this time.

WITNESSES

1. Gordon H. JARRETT Employee of Lockwood Survey Corp. introduced aerial photograph.
2. Harold POTTEN Employee of North York Works Dept. introduced street plan drawing and pertinent measurements.
3. Cpl. Grant POWERS O.P.P. photographer - introduced series of 17 colour photos of Ontario Science Centre area.
4. Thomas MOYER Employee of Toronto Weather Office, described weather conditions evening of Oct. 25/71
5. Sub/Insp. B. S. MOSS R.C.M.P. Officer in charge of V.I.P. Security Section.
6. Insp. L.H.WINTERS R.C.M.P. Officer in Command of Toronto Subdivision
7. Insp. R. E. SOPLET Inspector, Metro. Toronto Police Force - Intelligence Bureau
8. Staff Supt. H. GENNO Acting Deputy in charge of field operation, Metro Toronto Police Dept.
9. Insp. D. COWAN Metro Toronto Police Dept.
10. Sgt.Dets.C.S.KENNEDY Metro Toronto Police Force, Intelligence Bureau
11. Douglas S. KEEN Representative from Canadian Manufacturers Association
12. Peter Walter OSBORNE Supervisor of security at Ontario Science Centre
13. Robert I. MAKSYMEC Chairman of Ukrainian-Canadian Committee
14. David ISAAC Cameraman for United Press International Television News
15. Donald DUTTON Photographer & reporter for Toronto Daily Star newspaper
16. Ronald BULL Photographer for Toronto Daily Star newspaper

Witnesses - 2

17. Dennis ROBINSON Photographer for Globe & Mail newspaper
18. Julien LEBOURDAIS Freelance photographer - U.P.I.
19. Charles DOERING Newscaster - radio station C.F.R.B.
20. John McNEILL Photographer - Globe & Mail Newspaper
21. Dr. Nicholas KUSHPETA Ukrainian-Canadian Committee
22. Danylo STRUK Assistant Professor - University of Toronto
23. Rev. Joseph DENISCHUK Priest
24. Harry McLORINAN Photographer - Globe & Mail newspaper
25. Ihor KOTOWYCZ Student University of Toronto
26. Christine ROMANENCHUK Member - Ukrainian Youth Organization
27. Myron PYSKIR Student
28. Myra STASIW Student
29. Vera LAZDINS Laboratory technician - University of Toronto
30. Alfred LAZDINS Employee Toronto Iron Works Co.
31. Iwan HONTAR Aircraft worker
32. Michael WAWRYSHYN Teacher
33. Reginald B. BAKER Manager - C.B.S.
34. Nicholas DERZKO Associate professor - University of Toronto
35. Jack HLADUN Unemployed stock broker
36. Miss Anne DOUCET Medical Librarian - Toronto East General Hospital
37. Dr. Frederick TEIXEIRA Medical doctor - Sunnybrook Hospital
38. William BOYTCHUK Alderman - City of Toronto

Witnesses - 3

39. Patricia HOWARD	Medical record librarian - North York General Hospital
40. Dr. M.D. MYGYK	Medical doctor
41. Iwan DOWHAL	Mechanic
42. Vladimir DASHKO	Printer
43. Zirka RADJ	Student - Ontario College of Art
44. Oksana RADJ	Student - Etobicoke High
45. Nicholas LYPOWECKY	Librarian - University of Toronto
46. Halyna KOWALSKY	Student - University of Toronto
47. Eugene WASCHUK	Professional engineer
48. Nadia LYPOWECKY	Librarian - University of Toronto
49. Lon PENCAK	Architect
50. Dr. I. GADACZ	Medical Doctor
51. Peter SEMEC	Affidavit
52. Supt. V. TELFORD	Metro Toronto Police Dept.
53. Insp. L. GASKIN	Metro Toronto Police Dept.
54. P/Sgt. H. MELVIN	Metro Toronto Police Dept.
55. Dr. I. MAGDER	Medical doctor (re: LAZDINS)
56. Dr. W. SOCHANIWSKYJ	Medical doctor (re: SEMEC)
57. Mrs. L. LOVE	Medical records clerk - Toronto General Hospital
58. Emilio ALCARA	Medical records clerk - St. Joseph's Hospital
59. P/C R. BARTLEY	Metro Toronto Police Dept.
60. P/C E. BAIN	Metro Toronto Police Dept.
61. Dr. R. E. LEVY	Medical doctor (re: FYSKIR)
62. Dr. M. D. GREEN	Medical doctor (re: RADJ's)

Witnesses - 4

63.	Sidney A. SPIDLE	Metro Toronto Parks Dept.
64.	David NORRIS	Staff reporter - Toronto Daily Star newspaper
65.	John DUNLOP	Head of Public Service Programming for Canadian Broadcasting Corp.
66.	Dr. Max GLASSMAN	Medical doctor
67.	Peter SULLIVAN	Auxiliary Metro Toronto Police
68.	Cpl. C. F. MARTYN	R.C.M.P.
69.	P/C J. SINCLAIR	Metro Toronto Police Dept.
70.	P/C K. DOWLING	Metro Toronto Police Dept.
71.	P/C E. CHORNY	Metro Toronto Police Dept.
72.	P/C S. CALDERONE	Metro Toronto Police Dept.
73.	P/C D. CARROLL	Metro Toronto Police Dept.
74.	P/C D. DIPLOCK	Metro Toronto Police Dept.
75.	P/C E. BAKER	Metro Toronto Police Dept.
76.	Det. D. BRADBURY	Metro Toronto Police Dept.
77.	P/C M. DONALDSON	Metro Toronto Police Dept.
78.	P/C J. CAMPBELL	Metro Toronto Police Dept.
79.	P/C D. KERR	Metro Toronto Police Dept.
80.	Det/Sgt. W. CHAMBERS	Metro Toronto Police Dept.
81.	Dr. R. B. EDEY	Medical Doctor (re: DASHKO)
82.	Dr. W. HOMONYLO	Medical Doctor (re: police injuries)
83.	Joanne McWATTERS	independent witness
84.	Leonard KLINCK	Emergency Services supervisor
85.	Patrick JOHNSTONE	Emergency Services supervisor
86.	Randy PLATT	Cameraman - C.B.C.

Witnesses - 5

87.	Dr. I. RABER	Medical doctor (re: P/C CARROLL)
88.	Karl ELIEFF	Physio-therapist (re: P/C KINNEAR)
89.	Paul GOODMAN	Cameraman (re: Channel 11 news-film)
90.	Jean POINSON	Photographer
91.	Albert LEE	Photographer
92.	Martyn BURKE	Producer - C.B.C.
93.	Eugene HALLMAN	V-Pres. & Gen. Mgr. - C.B.C.
94.	Knowlton NASH	Director of Information Programmes - C.B.C.
95.	Insp. E. JOHNSON	Metro Toronto Police Dept. - Mounted Unit
96.	P/Sgt. P. WOULFE	Metro Toronto Police Dept. - Mounted Unit
97.	P/Sgt. I. McANSH	Metro Toronto Police Dept. - Mounted Unit)
98.	Dr. J. McKINSTRY	Medical Doctor (re: P/C Calderone)
99.	P/C G. FOSTER	Metro Toronto Police Dept. - Mounted Unit
100.	P/C R. HEENAN	Metro Toronto Police Dept. - Mounted Unit
101.	P/C D. JAMES	Metro Toronto Police Dept. - Mounted Unit
102.	P/C H.M. McKIRDY	Metro Toronto Police Dept. - Mounted Unit
103.	P/C A. NEATH	Metro Toronto Police Dept. - Mounted Unit
104.	P/C R. NORRIS	Metro Toronto Police Dept. - Mounted Unit
105.	P/C G. SCHENK	Metro Toronto Police Dept. - Mounted Unit

Witnesses - 6

106.	P/C D. WILLIAMS	Metro Toronto Police Dept.
107.	P/C W. POLLARD	Metro Toronto Police Dept.
108.	P/C A. McKEOWN	Metro Toronto Police Dept.
109.	Insp. W. MAGAHAY	Metro Toronto Police Dept.
110.	P/Sgt. J. PRONYCH	Metro Toronto Police Dept.
111.	P/C S. GILLINGHAM	Metro Toronto Police Dept.
112.	Insp. C. SURPHLIS	Metro Toronto Police Dept.
113.	P/C J. WILLIAMSON	Metro Toronto Police Dept.
114.	Insp. W. McDONALD	Metro Toronto Police Dept.
115.	Sgt. W. KERR	Metro Toronto Police Dept.
116.	Det. W. EVANS	Metro Toronto Police Dept.
117.	P/Sgt. J. SPRIDGEON	Metro Toronto Police Dept.
118.	P/C R. WARREN	Metro Toronto Police Dept.
119.	Yaroslav Roman BOTIUK	Barrister & Solicitor
120.	Ihor HORICH	Arrested person
121.	Orest NOWAKIWSKY	Arrested person
122.	P/C W. CARPENTER	Metro Toronto Police Dept.
123.	Det. D. BRADBURY	Metro Toronto Police Dept.
124.	P/Sgt. J. GORDON	Metro Toronto Police Dept.
125.	P/C P. WAKE	Metro Toronto Police Dept.
126.	Zenon Myron KULCHYCKYJ	Arrested person
127.	P/C D. BUCHANAN	Metro Toronto Police Dept.
128.	P/C J. KINNEAR	Metro Toronto Police Dept.
129.	P/Sgt. R. BASSETT	Metro Toronto Police Dept.
130.	George A. DZIARSKI	Arrested person
131.	Yarema WOJTIW	Student

Witnesses - 7

132.	Yaroslav HOLOWACZ	(In Camera Evidence)
133.	Barry Alan LEBOW	Mortgage Broker
134.	Myron CWIRENKO	Cost Accountant
135.	P/C D. ROBINSON	Metro Toronto Police Dept.
136.	Dr. C. FRYER	Medical doctor (re: DZIARSKI)
137.	Dr. Elizabeth ILVES	Medical Doctor (re: KULCHYCKYJ)
138.	Det. BAILLIE	Metro Toronto Police Dept.
139.	Andrew CHORNY	An accused
140.	P/C R. GRAVES	Metro Toronto Police Dept.
141.	Bohdan CHORNY	An accused
142.	Dr. A. CAMPBELL	Medical Doctor (re: DZIARSKI)
143.	George CURKOWSKY	An accused
144.	P/C C. VINCENT	Metro Toronto Police Dept.
145.	P/C G. HAYWOOD	Metro Toronto Police Dept.
146.	P/C B. SERVOS	Metro Toronto Police Dept.
147.	P/C A. McKECHNIE	Metro Toronto Police Dept.
148.	P/C R. WEBSTER	Metro Toronto Police Dept.
149.	Det. H. NASH	Metro Toronto Police Dept.
150.	Sgt. of Det's HALL	Metro Toronto Police Dept.
151.	Det. MacINTYRE	Metro Toronto Police Dept.
152.	Dick LOEK	Photographer
153.	D/Sgt. E. SILCOX	Metro Toronto Police Dept.
154.	Bohdan PETYHYRYCZ	An accused
155.	Roman BROWARSKY	Affidavit #93
156.	Donald HACKENSCHMIDT	Apt. Superintendent - 7 St. Dennis Dr.
157.	Raymond MADEIROS	Apt. Supervisor - 10 St. Dennis Dr.

Witnesses - 8

158.	Mrs. Ena PHILLIPS	Resident #7 St. Dennis Dr.
159.	William YEE	Unemployed
160.	Dr. W. SOCHANIWSKYJ	Medical Doctor
161.	Laszlo BASTYOVANSZKY	C.B.C. reporter
162.	Wasył SOLONYNKA	Editor - Ukrainian Echo
163.	Edward NEGRIDGE	Teacher
164.	T. KRONBERGS	President - Latvian National Federation
165.	Dr. R. CURKOWSKY	Medical doctor
166.	David LLOYD	Photographer - Varsity News
167.	Allan MOIR	Independent
168.	Angus MacDONELL	Resident - 7 St. Dennis Dr.
169.	James CAMPBELL	Resident - 10 St. Dennis Dr.
170.	Michael WATSON	Lawyer
171.	Giliaris URBONAS	Lithuanian-Canadian Committee
172.	Donald ANDREWS	Edmund Burke Society
173.	Adam MYKYTIUK	Affidavit #41
174.	Mrs. Linda SHRIVE	Resident - 7 St. Dennis Dr.
175.	Peter SHRIVE	Resident - 7 St. Dennis Dr.
176.	Roy PENDLETON	Resident - 7 St. Dennis Dr.
177.	William DEMAROIS	Member - Canadians against Kosygin Visit
178.	Steve DROZD	Affidavit #40
179.	Milton EUGENE	Jewish Defence League
180.	Ben KAYFETZ	Canadian Jewish Congress
181.	Steven AIN	Canadian Jewish Congress

Witnesses - 9

182.	Insp. E. SNIDER	Metro Toronto Police Dept.
183.	Allen W. CLARK	Resident - 7 St. Dennis Dr.
184.	Donald DODGSON	Resident - 10 St. Dennis Dr.
185.	Insp. W. PALMER	Metro Toronto Police Dept.
186.	Keith REEKIE	Foundation for Human Development
187.	Walter EGLI	Resident - 10 St. Dennis Dr.
188.	Mary O'BRIEN	Witnessed from 7 St. Dennis Dr.
189.	Michael KOPIJ	Member - Ukrainian League for Liberation
190.	Mrs. Anne JOCK	Demonstrator
191.	Elwyn ROGERS	Demonstrator
192.	Jeff GOODALL	Former member - Edmund Burke Society
193.	Donald GRANT	Reporter - Globe & Mail newspaper
194.	George BROWNE	Resident - 7 St. Dennis Dr.
195.	Olive BROWNE	Resident - 7 St. Dennis Dr.
196.	James MOORE	Resident - 7 St. Dennis Dr.
197.	Joseph GENOVESE	Member - Edmund Burke Society
198.	Mrs. Anizia ZAROWSKY	Demonstrator
199.	Fr. Myron STASIW	Demonstrator
200.	Steve SZKAMBARA	Demonstrator
201.	Father SYROTYNSKY	Demonstrator
202.	Roman GOYANIUK	Demonstrator
203.	George BABIY	Demonstrator
204.	Ihor STECURA	Architect - Demonstrator
205.	Theodore Hara SYMCHUK	Parish Priest (Hamilton)
206.	Alexander CHMARA	Demonstrator

Witnesses - 10

- | | | |
|------|----------------------------|--|
| 207. | Bohdan KULCHYCKYJ | Manager Fuel Oil Business & Post
Office - Ancaster - Demonstrator |
| 208. | Theodore Hyland
SCHULTZ | Student - Demonstrator |
| 209. | David SCHULTZ | Demonstrator |
| 210. | A Witness
(In Camera) | A Woman Demonstrator |
| 211. | Margaret LEMAN | Resident - 7 St. Dennis Dr. |
| 212. | Det. W. CROZIER | Metro Toronto Police Dept. |
| 213. | Chief Harold ADAMSON | Chief of Police, Metro Toronto
Police Dept. |
| 214. | Mrs. Ariadna
STEBELSKYJ | Member of Ukrainian-Canadian
press |

EXHIBITS

<u>Exhibit No.</u>	<u>Description</u>
1	Copy of Order-in-Council, dated December 1, 1971
2	Affidavit of Lana Palset, dated January 11, 1972 (Globe & Mail)
3	Affidavit of Betty Carter, dated January 19, 1972 (Toronto Star)
4	Aerial photograph of the area surrounding Ontario Science Centre taken April 16, 1971
5	Map of vicinity of Don Mills Road and St. Dennis Drive
5(a)	Aerial photograph of map of vicinity of Don Mills Road and St. Dennis Dr. with measurements by the witness
6	Photo showing front of Ontario Science Centre, the fountain, and intersection of Don Mills Rd. and St. Dennis Dr.
7	Photograph taken from the roof of the Ontario Science Centre, showing the intersection of Don Mills Rd. and St. Dennis Dr.
8	Photograph showing Ontario Science Centre south parking lot and Flemington Park Shopping Plaza in background
9	Photograph taken from Ontario Science Centre driveway, showing on left, No. 10 St. Dennis Drive and extreme right, No. 7 St. Dennis Drive
10	Photograph taken from southwest corner of Don Mills Road and entrance into Ontario Science Centre, showing No. 10 St. Dennis Drive
11	Photograph taken from northwest corner of Don Mills Road and entrance of Ontario Science Centre showing on extreme right No. 7 St. Dennis Drive and adjacent to that bush area
12	Photograph taken from lawn of St. Dennis Drive, showing Ontario Science Centre on right of the intersection of Don Mills Road and St. Dennis Dr.

Exhibits - 2

- 13 Photograph taken from corner of No. 10 St. Dennis Drive, near the intersection of Don Mills and St. Dennis Drive
- 14 Photograph taken from corner of No. 10 St. Dennis Drive, showing breezeway
- 15 Photograph taken from lawn of No. 10 St. Dennis Drive, showing breezeway in the northwest corner of the building
- 16 Photograph showing intersection of Don Mills Road and St. Dennis Drive, showing rock garden on lawn of No. 7 St. Dennis Drive
- 17 Photograph taken with camera facing in northeasterly direction, showing No. 10 St. Dennis Drive and rock garden on lawn of No. 7 St. Dennis Drive
- 18 Photograph showing intersection of Don Mills Road and St. Dennis Drive, in foreground is rock garden and Ontario Science Centre is shown on the left
- 19 Photograph showing intersection of Don Mills Road and Ontario Science Centre entrance
- 20 Photograph taken from west side of Don Mills Road, showing the ravine and entrance to Science Centre staff parking lot
- 21 Photograph showing Flemingdon Park Shopping Centre parking lot, the Ontario Science Centre located in centre of photograph
- 22 Photograph of three exposures, showing ravine south of the Science Centre, entrance to the staff parking area, Flemingdon Park area
- 23 Copy of report to Deputy Chief B. O. Simmonds from Inspector R. Soplet, dated October 22, 1971
- 24 Overlay to Exhibit No. 5 indicating police deployment at Ontario Science Centre
- 25 Rules, Regulations and Procedures re Crowd Control
- 26 Photograph of Science Centre with buildings numbered
- 27 Photocopy of various badges used for the staff and guests. Press Predication Pamphlet

Exhibits - 3

- 28 Letter of October 18 to Chief Adamson, requesting permit and assistance re demonstration on October 25 at 6:00 p.m. from Mr. Maksymac, of Ukrainian Canadian Community
- 29 Pamphlet from the Ukrainian Canadian Committee in English, entitled "Join Us".
- 30 Pamphlet from the Ukrainian Canadian Committee in Ukrainian indicating place of demonstration
- 31 Translation of Ukrainian pamphlet
- 32 Blue-yellow arm band, worn around arm of marshalls of Ukrainian Canadian Community during demonstration of October 25
- 33 Film shot by David Isaac
- 34 Map of park to the south of the Ontario Science Centre
- 35 Plastic cup used as candleholder at the demonstration
- 36 Sworn affidavit of Mr. Kotowycz
- 37 Plastic cups of the type being thrown during demonstration of October 25, 1971
- 38 Photograph of the boxes of candles
- 39 Photograph of intersection of Don Mills Rd. and St. Dennis Dr. taken October 25, 1971, by Mr. Dutton.
- 40 Photograph of group of people on St. Dennis Dr. taken by Mr. Dutton on October 25, 1971
- 41 Photograph showing north side of the intersection at Don Mills Road
- 42 Photograph appearing to indicate a group of police carrying an individual
- 43 Photograph showing same arrest as in Exhibit 42
- 44 Articles from the Toronto Daily Star partly written by Mr. Dutton, dated October 26, 1971
- 45 Photograph of a group waiting for Premier Kosygin

Exhibits - 4

- 46 Photograph taken from behind police lines,
October 25, 1971
- 47 Photograph of a man being arrested at the Science
Centre on October 25, 1971
- 48 Photograph of same man as Exhibit No. 47
- 49 Photograph taken October 25, showing police and
crowd
- 50 Photograph taken October 25, showing police and
crowd, some smiling
- 51 Photograph showing police and crowd looking around
in different directions
- 52 Photograph of crowd taken between policemen,
showing some people singing
- 53 Photograph of crowd and policemen. A couple of
policemen are looking away from the crowd. The
people are chanting
- 54 Photograph of crowd and policemen. Two policemen
are looking down
- 55 Photograph of demonstrators holding candles
- 56 Photograph of crowd and police. Police have
hooked their arms together
- 57 Photograph showing crowd and police. Extra police-
men have been added
- 58 Photograph of police restraining several individ-
uals in crowd
- 59 Photograph of police directing their attention to
one individual holding his fist in the air
- 60 Photograph of crowd. A man in the middle is
grabbing onto a sign. A few policemen are
grabbing the sign
- 61 Photograph of police line at the Science Centre
- 62 Photograph of policeman on motorcycle
- 63 Photograph of policeman in light coloured coat
arresting a man

Exhibits - 5

- 64 Photograph of an individual who has been arrested
- 65 Script of Broadcast made by Charles Doering on 9:00 a.m. news, Tuesday, October 26, 1971
- 66 Photograph showing nine mounted with one horse-man holding his crop well up in the air
- 67 Photograph showing mounted policeman without his hat, the crowd holding candles in the foreground
- 68 Photograph showing individual being escorted by two policemen
- 69 Photograph of an apartment building on the east side of Don Mills Road
- 70 Photograph of three mounts taken adjacent to the fountain
- 71 Photograph of line of mounted policemen taken in front of the fountain
- 72 Photograph of a policeman in foreground and a policeman with his hat off
- 73 Photograph of constable on a horse pointing his crop at certain individuals
- 74 Photograph of a scuffle on the northeast corner of St. Dennis Drive
- 75 Photograph of a group of police, both mounted and on foot
- 76 Photograph of three riders, three footmen and an apartment in the background
- 77 Photograph of one officer and a group of demonstrators
- 78 Photograph showing some policemen struggling with someone
- 79 Photograph of man resisting the police
- 80 Photograph of a man apparently being escorted by the police
- 81 Photograph of a man on the ground, with at least one policeman bending over him and another one beside him

Exhibits - 5

- 82 Photograph of man struggling on the ground
- 83 Photograph of man on ground with a police officer standing over him
- 84 Photograph of man, now up and being escorted by police officers
- 85 Photograph of man still in the grasp of police officer
- 86 Photograph of man being carried by a number of police officers
- 87 Photograph showing policeman with his arm up
- 88 Photograph showing another individual being carried along by police officers
- 89 Photograph of an officer on a horse, the people in front of him moving rapidly
- 90 Photograph of two officers escorting an elderly gentleman
- 91 Photograph of elderly man being escorted by two officers
- 92 Photograph of two mounted officers on St. Dennis Drive
- 93 Photograph showing demonstrators in roadway with a broken box, also objects in the air
- 94 Photograph showing six horses, with demonstrators in the background
- 95 Photograph showing objects being thrown at horses
- 96 Photograph showing group of horsemen proceeding forward; on left of picture is a banner
- 97 Photograph of officers standing facing a group of demonstrators
- 98 Photograph of motorcade coming out of Science Centre
- 99 Photograph of motorcade taken just after Exhibit 98

Exhibits - 6

- 100 Photograph taken after demonstration was over
- 101 Article in the Globe and Mail re demonstration, byline, Neil Louttit, October 26, 1971
- 102 Photograph of a number of mounted police and boxes with debris in front of them
- 103 Diagram and notes made by Dr. Kushpeta
- 104 Nineteen cards prepared by the witness
- 105 Photographs showing the peaceful demonstrations
- 106 Photograph of girls on the lawn, one in costume marked "Ukrainian costume"
- 107 Photograph of girls in native costumes marked, "Ukraine", "Latvian", "Bulgaria", and the Russian bear
- 108 Photograph of girls, same as Exhibit No. 107
- 109 Photograph of group of people obviously not too concerned
- 110 Photograph of group of people with number of signs
- 111 Photograph of group of people, some elderly women and some signs
- 112 Photograph of Russian bear with chain and girls
- 113 Photograph of group of younger people and signs
- 114 Photograph of same group as Exhibit No. 113
- 115 Photograph of group of people and signs, one sign notating, "Bulgaria belongs to the Bulgarians"
- 116 Photograph of people, hands over their heads, holding signs
- 117 Photograph of group of people, mostly men
- 118 Photograph of group of younger people, girls in native costume

Exhibits - 7

- 119 Photograph of group, some younger people, number of signs
- 120 Photograph of group of people on lawn and the Russian bear with chain
- 121 Photograph of police lines trying to hold back crowd
- 122 Photograph of police lines trying to hold back demonstrator
- 123 Photograph of police fighting with demonstrators after breakthrough
- 124 Photograph of horsemen retreating after breakthrough
- 125 Photograph of police arresting demonstrators
- 126 Photograph of man being carried by six or seven policemen
- 127 Photograph showing backs of three policemen apparently struggling with somebody
- 128 Photograph showing a struggle at Don Mills Road
- 129 Photograph of police officer leading a demonstrator across Don Mills Road
- 130 Photograph of demonstrator with two police officers securing him
- 131 Photograph showing demonstrator with arm twisted around
- 132 Photograph received from the Globe and Mail
- 133 Photograph of girl in bathing suit, with obvious blemish or bruising on the left thigh
- 134 Photograph showing girl's left thigh
- 135 Photograph showing girl, rear view, with bruising on the right thigh
- 136 Photograph of girl, showing bruising of the thigh just above the knee

Exhibits - 8

- 137 Photograph of girl, facing camera, showing
bruising of left thigh above the knee and around
the knee
- 138 Photograph of girl, showing both legs above the
knee and of the knees with bruises
- 139 Affidavit of Myron Pyskir, dated November 9, 1971
- 140 Affidavit of witness Myra Stasiw
- 141 Letter written to Alderman Boychuk, November 1,
1971, from the witness Myra Stasiw
- 142 Affidavit of witness Iwan Hontar
- 143 Original of letter sent to Attorney General by
witness Michael Wawryshyn
- 144 Affidavit sworn by the witness Michael Wawryshyn
- 145 Affidavit of witness Nicholas Derzko
- 146 Toronto East General Hospital record of Vera
Lazdins
- 147 Toronto East General Hospital record of Alfred
Lazdins
- 148 Toronto East General Hospital record of Oksana
Radj
- 149 Toronto East General Hospital record of Zirka Radj
- 150 Toronto East General Hospital record of Sam
Calderone
- 151 Sunnybrook Hospital Emergency Report on Christine
M. Romanenchek produced by Dr. Teixeira
- 152 Affidavit of witness, Jack Hludun
- 153 Letter of November 17, 1971, to Mayor William
Dennison and members of the Executive Committee
from Alderman William Boychuk
- 154 North York General Hospital record of Myron Pyskir
- 155 Affidavit of witness Zirka Radj
- 156 Affidavit of witness, Mrs. Nadia Lypowesky

Exhibits - 9

- 157 Affidavit of Peter Semec
- 158 A riding crop
- 159 Police report with respect to injuries received by Zirka and Oksana Radj
- 160 Brick with the initials "L.G." carved thereon
- 161 Photograph of man and police officer lying on the ground
- 162 Photocopy of medical records of Douglas Carroll
- 163 Copy of St. Joseph's Hospital Report on Wladimir Dashko
- 164 Photograph showing police line, one officer grasping someone in a leather jacket
- 165 Photograph of police officer and two girls
- 166 Photograph showing Police Constable Bartley
- 167 By-Law No. 2943 of the City of Metropolitan Toronto
- 168 Photograph showing Ontario Science Centre sign, looking northwest, taken about 5:00 p.m.
- 169 Photograph of children sitting on sign at St. Dennis and Don Mills, taken in daylight
- 170 Photograph of police lines taken at northeast corner of Don Mills Road and St. Dennis in daylight
- 171 Photograph of crowd taken at northeast corner of Don Mills and St. Dennis in daylight
- 172 Photograph of crowd looking relaxed but with numerous signs
- 173 Photograph showing police lines looking in north-westerly direction
- 174 Photograph showing Ontario Science Centre and girls in native dress
- 175 Photograph showing native dress and police lines

Exhibits - 10

- 176 Photograph basically the same as Exhibit No. 175
- 177 Photograph showing demonstrators attempting to
 set fire to a flag on balloons
- 178 Photograph basically the same as Exhibit No. 177
- 179 Photograph of the balloons with burning newspapers
 tied underneath them, taken at twilight
- 180 Photograph taken at Eglinton and Don Mills Road,
 showing the demonstrators going to the scene
- 181 Photograph taken from rock garden, a few minutes
 before dusk, showing demonstrators and line of
 policemen on Don Mills Road
- 182 Photograph taken just before dusk at St. Dennis
 Drive and Don Mills Road, showing the police lines
- 183 Photograph identical to Exhibit No. 182
- 184 Photograph taken at night from the southeast
 corner indicating the crowd at the intersection
 and the candles they had
- 185 Photograph almost identical to Exhibit No. 184
- 186 Photograph almost identical to Exhibits 184 and
 185
- 187 Photograph similar to Exhibit 186
- 188 Close-up photograph similar to Exhibit No. 187
- 189 Photograph showing crowds on St. Dennis Drive,
 some of them facing different ways
- 190 Photograph similar to Exhibit 189, taken later
- 191 Close-up photograph of crowd, showing candles
 and plastic containers
- 192 Photograph of crowd taken looking northwest from
 St. Dennis across Don Mills
- 193 Photograph of sit-in on St. Dennis taken looking
 east down St. Dennis
- 194 Photograph of sit-in on St. Dennis taken looking
 north across St. Dennis

Exhibits - 11

- 195 Photograph of sit-in on St. Dennis taken after dark
- 196 Photograph of policeman with bull horn taken looking north
- 197 Photograph of sit-in on St. Dennis and people walking between demonstrators and police line
- 198 Photograph of sit-down and police in background
- 199 Photograph of sit-in taken near centre of sit-in
- 200 Photograph of group taken from northeast corner of St. Dennis and Don Mills
- 201 Photograph of sit-in and policeman with tape recorder taken at St. Dennis and Don Mills
- 202 Photograph of sit-in group singing
- 203 Photograph of gentleman with tape recorder and group in right foreground
- 204 Photograph of same gentleman as in Exhibit 203
- 205 Photograph of sit-in and a priest taken at the northeast corner of the intersection
- 206 Photograph taken from on top of Science Centre sign, showing horses coming into the demonstrators
- 207 Photograph showing police horses coming in contact with the crowd
- 208 Photograph showing police horses, now into the crowd
- 209 Photograph showing that crowds have moved back and police now at a fast trot
- 210 Photograph showing policemen and demonstrators. Also candles scattered on the lawn
- 211 Photograph showing police horses and objects in the air over the horses' heads
- 212 Photograph taken from top of sign in northeast corner of intersection of policemen struggling with demonstrator

Exhibits - 12

- 213 Photograph of same demonstrator as Exhibit 212,
 taken from top of sign
- 214 Photograph showing St. Dennis completely cleared,
 taken from top of the sign
- 215 Photograph of police lines reforming and arrest
 of young man taken from the top of the sign
- 216 Letter to His Honour Judge I. A. Vannini from
 Mr. Mitchell Sharp
- 217 Metropolitan Toronto Police Department Police
 Force Helmet
- 218 Photograph showing the arms of an individual with
 scratches thereon
- 219 Photograph of witness
- 220 A rock, tan shade
- 221 Photo of hand injury of Police Constable Sinclair
- 222 Photograph of accused, the witness and another
 patrol sergeant
- 223 Photograph of witness and accused surrounded by
 five horses
- 224 Photograph of witness, accused and five policemen
- 225 Photograph of witness, accused, three horses and
 the patrol sergeant
- 226 Photograph of witness and inspector holding
 accused
- 227 Photograph of the witness and the prisoner, and
 the patrol sergeant on horseback
- 228 Photograph showing witness and person who has
 been arrested
- 229 Photograph showing rifle and other items
- 230 Stone with initials carved thereon
- 231 Pamphlet entitled "Communist Party of Canada,
 Marxists-Leninists"

Exhibits - 13

- 232 Pamphlet put out by the Committee for the Release of Valentine Moroz, entitled, "Jail Kosygin. Free Moroz"
- 233 Channel 11 film of demonstration at Ontario Science Centre, October 25, 1971
- 234 NBC film of demonstration at Ontario Science Centre, October 25, 1971
- 235 Photograph of mounted officers on the lawn on St. Dennis Drive
- 236 Photograph of an officer, mounted officer and people
- 237 Photograph of mounted officers in semi-circle formation
- 238 Photograph of mounted officers, still on St. Dennis
- 239 Photograph showing three helmeted officers, and man being taken away
- 240 Photograph of mounted officers coming back onto St. Dennis Drive
- 241 Photograph showing mounted officers and people in background sitting on sign
- 242 Photograph of policeman with his hat knocked off in struggle with youth
- 243 Photograph of people under and in the spruce tree on the lawn
- 244 Photograph of young man wrestling with an officer
- 245 Photograph showing three mounted officers with young man, his hands out towards the officer
- 246 Photograph showing mounted officer with his crop well into the air
- 247 Photograph showing horses at a standstill and a man holding out a poster, taken on St. Dennis Drive
- 248 Photograph taken just before mounted police came into crowd second time

Exhibits - 14

- 249 Photograph of conflict between a demonstrator and police officer
- 250 CBC film of demonstration at Ontario Science Centre
- 251 Double bridle worn by horses of mounted unit
- 252 Precis for mounted division written by Inspector Johnson
- 253 Diagram of the Metropolitan Toronto Police Mounted Unit Head Kit
- 254 Photograph of arrested man Bohdan Kulchyckyj
- 255 Manual (Emergency Task Force - Metro Toronto Police Department)
- 256 Photo of crowd taken from the north, showing a scuffle going on
- 257 Photograph showing police officers with arms outstretched
- 258 Report from Mr. Telford to Superintendent Genno regarding October 25, 1971
- 259 Umbrella allegedly used in striking mounted men and horse
- 260 Portion of Rothman cigarette package with the number 4323 written thereon
- 261 Affidavit of witness, Yaroslav Roman Botiuk
- 262 Police photograph of Ihor Horich
- 262(a) Photograph of Mr. Horich with police officers
- 263 Broken glasses produced by witness Orest Nowakiwsky
- 264 Piece of cardboard with hoof print on it
- 265 Candleholder box with hoof print on it
- 266 Photograph of St. Dennis Drive showing centre line in foreground and light standard in background, showing Nowakiwski escorted by officers

Exhibits - 15

- 267 Photograph of Zenon Kulchyckyj at the time of his arrest
- 268 Photograph of Zenon Kulchyckyj, showing a bruise on the left side of his face, adjacent to the eye
- 269 Photograph of Zenon Kulchyckyj, showing bruise on the right eye and up on the bridge of the nose
- 270 Photograph of Zenon Kulchyckyj, showing two bruises on face plus another mark and swollen lip
- 271 Photograph showing the lower right-hand portion of the witness's back, showing what appears to be a bruise
- 272 Photograph of the witness's left shoulder area, showing two bruises or one long bruise
- 273 Photograph of the witness, with his arm out-stretched straight with long mark
- 274 Piece of wood with "D.W.B., October 25, '71, 7:30 p.m." written on it
- 275 Police photograph showing George Dziarski at the time of his arrest
- 276 Photograph of injuries of Mr. Dziarski
- 277 Photograph of injuries of Mr. Dziarski
- 278 Photograph of injuries of Mr. Dziarski
- 279 Photograph of injuries of Mr. Dziarski
- 280 Photograph of George Dziarski taken at Police Headquarters
- 281 Photograph of George Dziarski taken at Police Headquarters
- 282 Handwritten statement of Orest Nowakiwsky
- 283 Newspaper photograph showing crowds and police and positions

Exhibits - 16

- 283(a) Photograph showing the motorcade coming in,
 also the boxes
- 284 Photograph of Barry Lebow taken by police photo-
 grapher
- 285 Affidavit of the witness, Myron Cwirenko
- 286 Photograph of George Dziarski taken at police
 wagon
- 287 Photograph similar to Exhibit 47, showing more
 of the people involved in the lower section
- 288 Medical record of George Dziarski from Wellesley
 Hospital
- 289 Medical report on Zenon Kulchycky from Toronto
 Western Hospital
- 290 Photograph of Andrew Chorny taken at police van
- 291 Photo showing B. Chorny, A. Chorny and U.
 Curkowsky
- 292 Police photograph of the witness, Curkowsky
- 293 Photograph of the witness, Curkowsky, taken by
 his father
- 294 Photograph of George Dziarski on the ground
- 295 Photograph of Mr. Petyhyrycz
- 296 Photograph of Mr. Horich, enlarged by the police,
 similar to Exhibit No. 275
- 297 Photograph of two officers taking prisoner from
 crowd
- 298 Photograph showing policeman on horseback taken
 by Detective Silcox
- 299 Photograph of St. Dennis Drive taken shortly
 before 7:00 o'clock
- 300 Photograph taken in same area as Exhibit No. 299,
 showing T.V. floodlights being used
- 301 Photograph showing same scene as Exhibit No. 300

Exhibits - 17

- 302 Photograph showing unidentified person being arrested
- 303 Photograph showing unidentified person in conversation with two or three police officers
- 304 Photograph showing west side of the crowd on St. Dennis Drive
- 305 Photograph taken while walking east on St. Dennis Drive
- 306 Photograph showing mounted unit walking through
- 307 Photograph showing mounted unit on the east side of the police line
- 308 Photograph showing St. Dennis Drive after the horses had gone through
- 309 Photograph showing people standing on the rock garden
- 310 Photograph of mounted officer
- 311 Photograph of the crowd and mounted man
- 312 Photograph of the crowd and police, camera facing in a northeast direction
- 313 Photograph of the crowd and police, camera facing straight west towards the Science Centre. The intersection is pretty well cleared
- 314 Photograph showing police officers, mounted unit on the lawn, and boxes of candles
- 315 Photograph, looking in a northeasterly direction over the lawn and the crowd and the officers
- 316 Photograph looking in northeasterly direction over lawn and crowd and officers
- 317 Photograph taken in a northeasterly direction, showing arrest being made on the lawn
- 318 Photograph taken after the majority of the mounted officers have left St. Dennis Drive
- 319 Photograph of St. Dennis Drive after the mounted men have left the scene

Exhibits - 18

- 320 Photograph of flag burning
- 321 Photograph showing Mr. Petyhyrycz with arms out-stretched
- 321(a) Enlargement of photograph, Exhibit No. 321
- 321(b) " " " "
- 321(c) " " " "
- 322 Photograph showing Mr. Petyhyrycz in custody of two officers
- 323 Affidavit of witness, Mr. Browarsky
- 324 Photograph of Mr. Roman Browarsky
- 325 Blowup of photograph, Exhibit No. 11, showing apartment numbers, 7 St. Dennis Drive
- 326 Blown-up photograph of apartment building on St. Dennis Drive (#7)
- 327 Photo of apartment building #10 St. Dennis Dr.
- 328 Dr. Sochaniwskij's notes on examinations of Ihor Horich and Zenon Kulchyckyj
- 329 Photograph showing St. Dennis sidewalk, light standard and someone on the ground
- 329(a) Photograph, enlargement of Exhibit No. 329
- 330 Officer on his horse near the spruce trees
- 331 Photograph showing same scene as in Exhibit 321, taken from a different angle
- 331(a) Blowup of photograph, Exhibit No. 331
- 332 Photograph taken from the middle of St. Dennis Drive, looking somewhat southwest, showing members of the E.T.F. helping the horsemen
- 333 Photograph showing the mounted men on the lawn, camera facing in a westerly direction
- 334 Photograph showing officer taking youth towards police lines

Exhibits - 19

- 335 Photograph showing the same officer and youth as in Exhibit No. 334, with another officer approaching
- 336 Photograph showing horsemen facing a southwesterly direction, returning to St. Dennis Drive
- 337 Photograph showing the horses going towards the sign in a northwesterly direction
- 338 Photograph taken after the horses had gone
- 339 Photograph of the crowd on the north sidewalk of St. Dennis Drive after the horses had left
- 340 Publication entitled "Straight Talk", dated October, 1971
- 341 Copy of an affidavit of Mr. Bogdan Adam Mykytiuk
- 342 Mr. de Moroio's list of 23 organizations making up the Canadians against Kosygin visit Co-ordinating Committee
- 343 Photograph showing the witness and an officer who resembles Constable Buchanan
- 344 Affidavit of unidentified witness
- 345 Statement given to Inspector Johnson by Constable Pollard, subsequent to October 25, 1971
- 346 Report of David James dated October 31, 1971
- 347 A billy
- 348 A baton
- 349 Brochure entitled "The Police Function in our Changing Society"
- 350 Article by Donald Grant appearing in the Globe and Mail of October 27, 1971
- 351 Brief submitted to the Honourable Allan Lawrence, Minister of Justice and Attorney General for Ontario by the Ukrainian Canadian Committee
- 352 Affidavit of Steven Szhambara

Exhibits - 20

- 353 Copy of affidavit of George Babi
- 354 Letters Patent of the Ukrainian Canadian Committee issued by the Secretary of State of Canada
- 355 Diagrams made of the hoofprints along with a book entitled "Boyscouts for Boys" by Baden-Powell
- 356 Affidavit of Alexander Chmara
- 357 Transcript of the evidence given at the trial of Mr. Kulchycky

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Government
Publications

